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HANSARD'S
PARLIAMENTARY
DEBATES:

Third Series;

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

5° & 6° VICTORIÆ, 1842.

VOL. LXV.

COMPRISING THE PERIOD FROM

THE TWELFTH DAY OF JULY,

TO

THE TWELFTH DAY OF AUGUST, 1842.

Sixth and last Volume of the Session.

LONDON:

THOMAS CURSON HANSARD, PATERNOSTER ROW;

LONGMAN AND CO.; C. DOLMAN; J. RODWELL; J. BOOTH; HATCHARD AND SON; J. RIDGWAY; CALKIN AND BUDD; R. H. EVANS; J. BIGG AND SON; J. BAIN; J. M. RICHARDSON; P. RICHARDSON; ALLEN AND CO.; AND R. BALDWIN.

1842.

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HANSARD'S

PARLIAMENTARY DEBATES,

IN THE *SECOND SESSION* OF THE *FOURTEENTH*
PARLIAMENT OF THE UNITED KINGDOM OF *GREAT*
BRITAIN AND *IRELAND*, APPOINTED TO MEET 11 NOVEMBER,
1841, AND FROM THENCE CONTINUED TILL 3 FEBRUARY,
IN THE FIFTH YEAR OF

HER MAJESTY QUEEN VICTORIA.

SIXTH AND LAST VOLUME OF THE SESSION.

HOUSE OF LORDS,

Tuesday, July 12, 1842.

MINUTES.] BILLS. 2ª· Drainage (Ireland); Charitable Pawn Offices (Ireland).

Committed and Reported.—Perth Prison.

Committed.—Right of Voting (Dublin University).

3ª· and passed:—Stock in Trade; Sudbury Disfranchisement; Witnesses Indemnity.

Private.—1ª· Cambuslang and Muirkirk Roads (No. 2).

Reported.—London Bridge and Royal Exchange Avenues; Imperial Bank of England (specially); London and Greenwich Railway (No. 3).

PETITIONS PRESENTED. From G. Walter, for placing the centre of Gravity in Railway Carriages as low as possible.—By the Earl of Radnor, the Earl of Galloway, and Lord Lyttleton, from Colliers of Loanhead and their families, Edinburgh, Brimstang, the Guardians of Dudley Union, Colliers of Bannockburn, and Greenyard Collieries, and of Engineers under 21 years of age in the Staffordshire Collieries Bill, against the Mines and Collieries Bill.—By Lord Brougham, the Earl of Wicklow, Lord Monteagle, and the Earl of Stanhope, from Coal Miners and others of Dewsburn, of the Bantaskine and Callendar Mines near Falkirk, and in the county of Lanark, for the Mines and Collieries Bill.—By the Marquess of Londonderry, the Earl of Scarborough, Lord Dunmore, from Owners, Lessees, and Occupiers of Mines in the South District of Stafford, and the West Riding of York, to be heard by counsel against the Mines and Collieries Bill.—From the Working Classes of the Shropshire District, against the clause restricting the Time of Employment of Male Persons under the age of Thirteen.—By Lord Redesdale, from Birmingham, for the Better Regulation of their Police Force, and that they may speedily be relieved from the present Charter of Incorporation.—From Sudbury, against the Sudbury Disfranchisement Bill.—From the Inhabitants and Proprietors of Lands flooded and injured in various parts of Ulster, against the Drainage (Ireland) Bill.—From Several Individuals, for an Alteration of the Bankrupt Law.

MINES AND COLLIERIES.] The Marquess of *Londonderry* having presented several petitions against the Bill on their Lordships' Table, for the regulation of Employment in Mines and Collieries, proceeded to say, that the last petition from a number of coal-owners in the counties of Northumberland and Durham, assembled at Newcastle-upon-Tyne, and disclaimed in the strongest and most distinct manner, having been parties to any arrangement or compromise with respect to this bill. He believed, that the promoters of this bill owed a great deal of the support it had received to the notion, that the coal-owners of Durham and Northumberland had agreed to one part of the bill. He had heard of compromises with respect to election petitions, and seats in Parliament, but, for the first time, he heard it asserted, that a compromise could take place in which one of the parties not only would not agree to the arrangement, but were altogether opposed to it, and protested against it. It had been said, that Mr. Buddle, his agent, had, on the part of the coal-owners, met Lord Ashley, and had been (as we understood) a party to the compromise. Now, Mr. Buddle had written to him, denying that he had been a party to any such compromise, or that he had been authorised to enter into any compromise. The fact was, Mr. Buddle was coming up to town upon business, and the coal-owners had thought that they might take that opportunity of allowing Mr. Buddle to call on Lord Ashley, and explain the views they entertained with respect to this bill. But they had not authorised Mr. Buddle to enter into any compromise or arrangement whatever, neither had he done so. As much misconception prevailed on the subject, he had received a letter from Mr. Buddle, explaining his part in the transaction, and which letter he would now read:

"*Pansher Colliery*, 9th *July*, 1842.

"My Lord—I have the honour to acknowledge the receipt of your Lordship's letter of yesterday, and, in answer to your Lordship's inquiry, I beg to state that I was not 'on the part of the coal-owners of Durham and Northumberland, authorised and instructed to make a compromise, and gain the best terms I could, upon which the opposition of the coal-owners of the north was to be withdrawn.' The following are the facts of the case.

"I happened to be going to London on your Lordship's business, of which the committee availed themselves to request me to confer with your Lordship, Mr. Bell, Mr. Lambton, and other Members, for the purpose of endeavouring to induce Lord Ashley to accede to their unanimous wish, for ten years to be the minimun age of the trappers, and eighteen that of the brake or engine men.

"This, to the best of my recollection, was the extent of my instructions; but I have written to the clerk, at the coal-trade office, to send your Lordship a copy of the resolutions of the committee, containing those instructions, which will show the extent of my instructions on the occasion. I had a private interview with Lord Ashley on the 18th of June, at his Lordship's house, in Upper Brook-street. His Lordship received me with the utmost courtesy, and discussed the subject of my visit in the most candid and open manner.

"His Lordship was very firm in his opinion that boys should not be sent down the pits till they were thirteen years old. I urged that ten should be the standard; and, after considerable discussion, his Lordship intimated, that he might probably concede the point, provided the day's work were limited to six hours, or that the boys should only work three days of twelve hours each in the week.

"I told his Lordship, that I was not authorised to take upon myself the responsibility of making such a compromise: and, therefore, begged his Lordship to leave the matter open, till the meeting with Messrs. Bell and Lambton, and other Members, which had been previously appointed to take place at the House of Commons.

"I attended this meeting on the 20th of June, at which were present, to the best of my recollection, Lords Wharncliffe, Ashley, and Lord Henry Vane, with Messrs. Bell, Bowes, Liddell, Lambton, Losh, Granger, and Brotherton. Much discussion took place, and the parties present ultimately agreed to accept the conditions conceded by Lord Ashley, viz., to limit the age to ten years for boys to be sent into the pits, and that they should be limited to three days in the week, to be wrought alternately. Engine men not to be entrusted with human life before they arrive at the age of twenty-one, but no limitation of age for their superannuation was fixed.

"On returning to the North, I found the above compromise not at all satisfactory either to the committee or the body of coal-owners generally, especially as to the alternate days working of the boys, which will be attended with many practical difficulties. And there are other objectionable points in the Bill, as limiting the time for the 'employment of any such male person to one month after the passing of this Act.' And for the prohibiting of such male person from being employed, during one and the same week, in more than one mine or colliery, unless the mine or colliery, in which he shall be employed, shall belong to the same owner.

"The appointment of inspectors underground is also very objectionable, and the penalties for offences against the act are considered to be too high. For these reasons, and other considerations, the body of coal-owners are desirous that more time should be allowed for deliberation, and that the Bill should not be hurried through Parliament this Session.

"The petition presented by your Lordship to the House of Lords, was, I believe, forwarded to your Lordship from Newcastle, on the 11th of June, and a similar petition was at the same time sent to Mr. Bell, to present it to the House of Commons.—I have the honour to be, my Lord, your Lordship's most obedient faithful servant,

"John Buddle.

"The Marquess of Londonderry, &c. &c."

As had been alluded to in the letter which he had now read, he had also been furnished with a copy of those instructions which he would state to their Lordships:—

(Copy.)

"*Chester-le-Street, June* 13, 1842.

"Meeting of the United Committee—
Present:

"Tyne.—R. W. Brandling, Esq. (chairman), Mr. Buddle, Mr. Losh, Mr. J. Carr, Mr. H. Taylor, Mr. N. Wood, Mr. George Johnson.

"Wear.—Mr. Norton, Mr Hunter.

"Tees.—Mr. Seymour, Mr. Seppings, Mr. Turnbull.

"Lord Ashley's Bill to prohibit the employment of women and girls in mines and collieries, to regulate the employment of boys, and make provision for the safety of persons working therein, having been read, resolved—

"1. That in the opinion of this meeting the age of ten years is the proper period at which the boys should be taken down the pit, to commence the easy employment in which they are first engaged.

"2. That it is the opinion of this meeting, founded on long experience, that after the age above-mentioned the boys do not acquire those habits which are peculiarly necessary to enable them to perform their work in the mines.

"3. That it would be a great hardship to families, and especially to widows, that their children should be kept out of the pit after they become able to work at the early stages of pit work.

"4. That it is the opinion of this meeting that it would be attended with great hardship to make the act retrospective, except as regards boys below the age of eight years.

"5. That the clause regarding the age of the engineman should be altered, so as to make the age of commencement eighteen years, and to continue so long as they are capable of performing their duties to the satisfaction of the engineer of the colliery.

"6. That Mr. Buddle be instructed to wait on Lord Ashley to explain the above views of the committee, and to obtain the assistance of Lord Londonderry, Mr Bell, Mr. Lambton, or any other nobleman or gentleman connected with the North in enforcing these opinions."

This was sufficient to show that something like a manœuvre had been practised, he would not say intentionally, to induce a belief that the coal-owners had given up their opposition to the Bill; and this notion was entertained in opposition to the deliberate opinions of the coal-owners on the subject as set forth in their petitions. He had received the following letter, which would further explain what were the opinions of the coal-owners on the subject:—

"*Low Gosforth, July* 10, 1842.

"My dear Marquess—At the close of the proceedings, at the general meeting of the coal trade, on Thursday last, a resolution was passed, which I shall take the liberty of subjoining, as it may be agreeable to your Lordships to see, that the feelings of the meeting were in unison with those sentiments which your Lordship entertains respecting the necessity for legislative interference with the conduct of the mines of Northumberland and Durham. I am quite aware of the extent of the obligation your Lordship has conferred upon the trade by your exertions in this matter; and confidently hope, when the bill is regularly before the House of Lords, that the influence which your Lordship's superior knowledge of the subject must give you will enable you to secure the postponement.—I am, my dear Marquess, yours sincerely,

"Rob. W. Brandling.

"'Resolved—That the best thanks of this meeting be given to the Members of the House of Commons who used their utmost exertions to prevent the imposition of the export duty on coals, and to guard against any unnecessary restriction being imposed upon the coal trade of Northumberland and Durham by the act recently introduced for regulating labour in coal mines.'"

It seemed to him somewhat extraordinary that on so great a measure as this, and one which affected such large and important interests, not a single division had taken place in the House of Commons. He thought it also extraordinary that upon a question of such commercial importance no Cabinet Minister had expressed any opinion upon it. He was anxious to know whether the bill was to be promoted in that House by the influence of the Government, and with all his confidence in the present Government he would look upon it as an extraordinary proceeding, and it would diminish the great confidence he possessed in their capacity to direct public affairs if they allowed a bill of this importance to pass without expressing an opinion upon it. The public ought to know the decision to which the Government had come. He hoped that the noble Lord the President of the Council, who knew what were the opinions entertained by the coal-owners of the north, would state what were the intentions of the Government respecting this bill. The noble Marquess opposite (the Marquess of Lansdowne) had on a former occasion made allusion to the high character of the commissioners. Those gentlemen were formerly factory commissioners, and they had then been sent to inquire into the mines. He had received several communications respecting those gentlemen, which he would now read to the House. The noble Lord was proceeding to read these communications, when he was called to order by

Lord *Wharncliffe*, who protested against the inconvenience of reading private letters.

The Marquess of *Londonderry* said, the communications were not private, but he would not press the reading of them. He hoped that their Lordships would legislate on this subject with due deliberation, and that they would not be influenced by the consideration that this bill had passed the House of Commons unanimously.

Lord *Wharncliffe*, in reply to the question put to him, would state that the Government had taken no part whatever with respect to this bill. The Government intended to remain perfectly passive with respect to the bill; but though they would take no part as a Government they would as individuals. He had a strong opinion with respect to certain parts of the bill, but he would reserve that opinion for a fitting occasion.

The Marquess of *Clanricarde* said, that the noble Marquess had given the transaction referred to a character which did not belong to it in supposing it to be a question between Lord Ashley's feelings and those of the coal-owners, instead of an important public measure. Lord Ashley deserved much credit for the part he had taken, and that credit had been awarded him by the unanimous voice of the country. Those gentlemen who acted in the manner referred to were connected with those parts of the country which the bill more particularly affected, and he had seen letters which stated that the bill would be supported provided the alterations that were pressed upon them were agreed to—certainly, if there was not an agreement there was an understanding come to on the subject.

Petitions to lie on the Table.

Education — Singing Classes.] Lord *Wharncliffe* then rose, pursuant to notice, to present a petition from 1,600 persons who were receiving instruction in the classes instituted for the purpose of elementary education, under the sanction of the Committee of Privy Council, at Exeter-hall. The point which he had sought to establish in presenting this petition, was, that it was the duty of Parliament to afford support to these most useful classes. The first classes which were established were singing classes, and their original idea was confined to the instruction of schoolmasters and mistresses, of persons who attended for the purpose of afterwards instructing others, and so it went on for some time, but by degrees the direct sphere of utility became enlarged, and class after class was formed of persons who attended for the purpose of learning singing on their own account. The undertaking was originated in the latter end of 1841, and at the present moment there were no fewer than 50,000 persons attending the singing classes of Mr. Hullah and his pupils. Instead of one class only, as in the latter end of 1841, there were now fifteen classes, composed of persons of various grades in society—from those in the middle ranks, persons of easy circumstances, down to the humblest workpeople—all of them exhibiting the utmost desire to profit by the instruction thus afforded. In the beginning of this year it was found that the instruction in singing had induced the persons who attended these classes to form a strong wish for instruction in other elementary branches of education; and on this desire being made known, the persons who originated the instruction determined to accede to it, and accordingly classes were formed, one for writing, another for arithmetic, and a third for linear drawing. These had also answered the purpose well. There were now no fewer than 750 persons taking lessons in these three elementary branches of education. Should these institutions be enabled to continue their useful labours, there could be no doubt that in a very short time a large portion of the lower classes in the metropolis would be withdrawn from the public-houses, to which they now resorted for their evening's occupation and amusement, and the vicious habits which at present degraded and pauperized so many thousands of persons, would be in great measure abandoned. During the first year, this institution was supported by the payment from the persons instructed, and by private contributions. He would mention the amount which had been paid by the pupils. The schoolmasters and mistresses paid 15*s.* for sixty lessons; mechanics, and other persons in a still more humble sphere, paid 8*s.* or 10*s.* for the same number of lessons; while those who could afford it paid 30*s.*, or 6*d.* a lesson. In this manner the best masters that could be obtained in the respective branches were provided, and the whole of Exeter-hall was engaged for the accommodation of the pupils. It was soon found, however, that there was so large an increase of attendance, that the former payments were quite inadequate; and, accordingly, towards the end of last Session, a petition was presented from these institutions to the committee of Privy Council, praying for support out of the education fund, but the reply of the committee necessarily was, that however cordially they might support the views of these institutions, they were precluded by the form of the grant for education from applying any portion of it to this purpose. He had then recommended to the Gentlemen who managed these institutions that choral meetings should be publicly held for the purpose of at once making the value of the institutions known, and of adding immediately to its funds. These choral meetings had accordingly been given, and with success, to a certain extent; for 900*l.* had been realized by them, and a most interesting and valuable spectacle had been afforded to the public of 1,600 pupils of this institution singing together in the most correct and excellent manner, and giving proofs of how much had been done in a very short time. These meetings had given the highest satisfaction to all those who had attended them, and there were many musical professors of eminence—amongst others, the celebrated Mendelssohn, who had spoken in the warmest terms of the performance. The question, then, was—these classes having been thus established with the most beneficial results hitherto, and with the certain prospect of conferring upon the people of this country a great national and individual boon—whether it was not most desirable that Parliament should lend them its support. Notwithstanding all the exertions that had been made by the institution itself, in its various branches, there was still an unavoidable and considerable deficiency of funds. With reference to Mr. Hullah himself, who had been spoken of as having made so good a thing of these classes, the fact most honourable to himself was, that up to the present moment he had given his valuable time and services for nothing. All that he had ever asked for himself was 30*s.* per night; but not one shilling of this had been received, for he had invariably declined pressing for one moment this very moderate claim, in order not to embarrass the limited funds of the institution. It was, therefore, highly desirable that the Committee of Privy Council should be empowered to use its discretion in reference to applying some portion of the education grant to the most useful purposes in question, and here he begged to make a few remarks upon the general question of the education of this country, as connected with the grant allowed by the House of Commons for this purpose; and he thought that it was hardly necessary for him to show that the sum of 30,000*l.*, which was now annually granted for the purposes of education, was altogether insufficient for that highly essential object. If it were really considered a desirable thing, as most assuredly it was, that an impulse should be given to education in this country, then he felt that the House of Commons would not be doing its duty if it refused to increase this grant. The expenses under this head last year were 46,000*l.*, of which 16,000*l.* were defrayed by a balance to that amount which remained from the preceding year. There was a balance of 16,000*l.* left from the previous year, to be added to the 30,000*l.* voted in 1841, which was to be left at the disposal of the Committee of the Privy Council, so as to enable them to make larger disbursements. The original purpose of the grant was to promote the building of school-houses; and although this object was well worthy of support, and well worth the money given—although there might be some doubts as to whether the money was well applied in some cases—they had found that schools had been built which were not very likely to last very long. Persons were aware that if they subscribed a certain sum, there was a fund from which they could get an equal amount towards the erection of schools, and no doubt in many cases this had been productive of great good. The question, then, was, whether a grant of money should not be voted for the establishment of normal schools, that was, schools for the education of schoolmasters and schoolmistresses. Before the present Government came into office 5,000*l.* had been voted to the National Society, and 5,000*l.* to the British and Foreign School Society, and another sum to Scotland for rearing schoolmasters. A normal school had been founded in Glasgow by a private individual, and it had produced a great many most excellent schoolmasters. The directors of this school wished to be relieved from the superintendence of it, but as there was a want of unity in some respects between these schools and the general kirk, the Government thought it advisable to say that they would take upon themselves the charge, if Mr. Stone and the other Gentlemen connected with the school would give it up to the control of the General Assembly. Those persons willingly assented, and the Government then informed the General Assembly that it was willing to propose to Parliament to grant 5,000*l.* for the establishment of a normal school at Edinburgh, and 5,000*l.* for the school at Glasgow, if that body would take the matter under their superintendence. That body willingly assented, and he hoped that the House of Commons and the country would enable the Government to make these grants. He believed that the establishment of normal schools in Scotland would be attended with the most beneficial effects. The knowledge of this grant had produced other requests for schools of a similar nature from various quarters. For instance, they had been applied to by the diocesan board of Chester, and they had been able to make such an arrangement as to accede to the request to make a grant of 2,000*l.* Similar calls had been made on them by other diocesan bodies, and from the National School, and from the British and Foreign School Society, and it was under consideration whether they should give annual sums to each of those bodies for normal schools. The Government wished to act with the most perfect fairness in this matter, and they therefore considered that they could only give them sums on certain conditions, and until the parties were in a state to fulfil these conditions no grant was made. He believed that such an arrangement might be made as to give a sum for this purpose this year, but he could not tell the amount that would be required. There were at present claims before the committee which, if acceded to, would far surpass any means at the disposal of the committee. He, however, was sure that the country would willingly grant a large sum for this purpose, if they found that the money was fairly and impartially distributed. The latter circumstance must mainly depend on the conduct of the persons in whom the distribution rested, and he confessed that he should be ashamed if in a matter of education any difference should be made between Churchmen and Dissenters. He was willing to leave a large share of the education of the country to the Church, connected as it was with the State; but strongly attached as he was to the Church, he must say that the Church itself was deeply indebted to the Dissenters for the example that they had set as regarded the education of the people. The Church, then, was a body to which the State could give the education of the country, in cases where there was no interference with other classes. At the same time Government must take care that the sums thus granted were disposed of in a satisfactory manner. He must then state that he believed the public money would be thrown away without adopting a system of inspection in these schools. This right of inspection must be actually secured in the deed, which would be signed when the grant was made. He believed that there was no indisposition on the part of the major part of the clergy to having the schools under their care visited by the inspectors; he should therefore take care that that should be done in all cases where a grant of money was made. Some difficulty, however, might arise as to what were the duties of the inspector, and therefore instructions must be drawn up by the committee of the Council on this subject. There was no doubt that Parliament had a perfect right to call for the reports of the inspectors, not only with the view of seeing what was the state of education in the country, but also that they might know whether the money it had granted had been properly expended or not. He admitted that he thought it would be inexpedient to enforce inspection and returns from schools which were supported by individuals without any grant of money from the public. He thought that private persons would abstain from forming schools if rules were enforced on them by the inspectors, and if reports on the subject were to be laid before Parliament. At the same time he thought that if no reports were called for the inspectors would often be invited to inspect schools established by private persons, and their suggestions might be attended with beneficial effects. With respect to the schools supported by grants of the public money, he thought that the reports of the inspectors would enable the Council to draw up a general report on the state of education throughout the country, so that a tolerably accurate notion might be formed as to the general state of education, and that without interfering with private schools. The want of education in this country was so great, that it had become absolutely necessary to meet the evil full in the face. The Legislature must, therefore, determine to adopt the best plan that they could find to counteract the efforts which had resulted from the present state of things. The House had to say whether the present system of control was the best that could be adopted. For his own part, filling as he did the office of chairman of the committee of the Privy Council, he was ready to do his duty towards promoting this great and important object, and he confessed he thought that for the present, at least the committee might well and advantageously be made the centre of action for this country. If Parliament, then, would make a grant, there did exist the means for furnishing this agent for civilisation and morality; and he was sure, under the proposed arrangement, it would progress in a degree which had never been seen before in this country. They must, however, take care that they did not proceed too fast, but if they proceeded with judgment and care in a proper direction, he believed that this country in a few years would become one of the best educated countries in the world.

The Marquess of *Lansdowne* had listened to the whole of the speech of his noble Friend with great satisfaction, describing as it did the state of education in this country; and he was more particularly pleased with the general sentiments on the subject of education which had been put forth by the noble Lord, which might be taken as an indication of the opinions of his Colleagues, and that they would follow up and extend the system and principles of education which had been sanctioned by Parliament for some years, and which he had been called upon to defend for three or four years. The noble Lord had clearly shown the great advantages that had resulted from the general musical system of education which had recently been adopted. This system was started by subscription from a few private individuals in a school in the vicinity of the metropolis. It had been brought under his notice in October, 1840, when he had the honour of filling the office now held by the noble Lord, and he then did not hesitate to give the opinion which the noble Lord had repeated that night, namely, that however desirable it was to adopt this plan as part of a national system of education, under the peculiar circumstances of the grant at the disposal of the committee of the Privy Council, he should not be justified in recommending it. No step was at that time taken further than the formation of a private subscription, amply adequate for the purpose of making that trial which he felt confident would ultimately lead to the adoption of the system by the public, and to its being recommended to the attention of Parliament. The success of that experiment had far outstripped his expectations, for in the course of a very few months, he believed before the close of the year 1840, no fewer than seventy persons attended the course which was held at Exeter-hall, and before the spring of the next year three classes of 100 each were formed, and month after month the number increased of persons desirous to avail themselves of the benefits of instruction. And even at that early stage the progress of the system was not confined to the metropolis, but numbers came from various parts of the country, and many from a distance, to enjoy the advantages of this education. The number had now reached about 2,500, and the expenditure incurred was very trifling in comparison with the amount of benefit conferred. One great advantage of this system was that it included not only persons conducted by their ear or the peculiarity of their constitution to the study and the practice of music, but it comprised the pleasure and the utility of music, for it had utility as well as pleasure to every species of physical constitution, and enabled whole masses to partake at once of its pleasure and its beneficial results. It was, therefore, a very fit question for Parliament to consider, whether it would enable the committee of Privy Council to apply a portion of the grants voted for the purposes of public education to this particular branch of instruction. But great as was his anxiety to see such assistance given, he should be sorry to see any portion on that account deducted from the grants for general education; but, on the contrary, he wanted to see these grants extended also, and even beyond the amount that might be required for the particular service in question, for great as had been the success of the new system, it had never been contemplated that the amount should be confined to its present limited amount; but that when a more unanimous, and he would say a more liberal and generous spirit should be found to pervade the country in favour of education, the public grants should be considered with a view to their extension. He had great satisfaction in finding that the effect of these grants had been progressive, for there was not a month since the origin of the system that had not added to the number of applicants for assistance to institute such schools, and an immense amount of private zeal had been called into action, thousands of schools having been established and being now in a flourishing condition, owing to the stimulus given by these grants. With respect to the inspection he thought it ought to be exercised under an authority independent of the local authorities under whose management the school was conducted; and he was glad to find it admitted now, that, in the absence of any department in this country to preside over education, no authority could be selected which was more fit to exercise the functions of inspection and control than the committee of the Privy Council; and he rejoiced that some, who had entertained the strongest objections to the constitution of that tribunal, had now so far waived their hostility to it, as not only to suffer those functions to be exercised by others, but even to have consented to become Members of it themselves. He was glad that the noble President of the Council intended to propose annual grants for some of the normal schools, provided they were administered, as no doubt would be the case, with impartiality, and preserving the authority of inspection, which was absolutely necessary, both to secure the strict application of the grant, and for the purposes of making the normal schools available for the improvement of other schools. It might also be desirable to extend inspection to schools which did not receive any public money, with the implied condition that the reports relating to them should not be laid before Parliament. There was one document which proved in a most forcible manner the necessity for an extension of education amongst the working classes in this country. It was the opinion given of the respective capacities of the natives of different countries, by a person at the head of one of the most extensive manufactories in the world, in a manufactory at Zurich, in which Swiss, Saxons, Italians, French, and English were employed as mechanics. He was asked,

> "What, however, do you find to be the difference of acquisition imparted by specific training and education?"

His answer was,

> "As workmen only, the preference is undoubtedly due to Englishmen, because, as we find them, they are all trained to a specific branch, on which they have had a comparatively superior training, and on which all their thoughts are concentrated; as men of business, however, and of general usefulness, we prefer the Saxons and the Swiss, but more especially the Saxons, because they have had a careful general education, which has extended their capacities beyond any special employment, and has rendered them fit to undertake any species of business. If I have an English workman engaged in the erection of a steam engine, he will understand it, and nothing else, but with respect to other branches of machinery, however closely allied to the steam engine, he will be completely helpless to adapt himself to the circumstances which may arise—to make arrangements for them, or to give sound advice respecting them."

This was evidence which came from an impartial witness, and was the most remarkable testimony which he had seen borne to the absolute necessity which at all times, but above all at the present time, existed, when thousands might from day to day be ejected from the employment in which they had been engaged, and might be called upon to adapt themselves to the circumstances which might arise for the Government, in pursuance of a wise and liberal policy, to endeavour by every means which Parliamentary grants gave them, to aid in the private exertions which were being made to extend the general principle of Education, and to hasten the time when there should be a general development of the educational system of England, so that the English mechanic might be enabled to meet the exigencies which might present themselves.

Lord *Brougham* most heartily concurred in thanking his noble Friend opposite for the statement which he had made, and in expressing himself satisfied with the course which the Government had taken on this subject. His only regret was, that the noble Lord had not been prepared to go further, and his only difference from the noble Lord was in the apprehensions which he had expressed, and in which he, for his own part, did not share at all—that the progress of education should be too rapid. He had been so long, endeavouring to promote the object of education however, that any—however moderate—advance gave him hopes that ere long he might look for an even accelerated pace in the progress of this great cause, and he professed that it was one of the very last things which he feared, that too great an impetus should have been given to it. No doubt, the steps which had been already taken were in the right path, and he would not stop to complain of the degree in which he contended they had fallen short of that which he viewed as necessary, because, in all that had been done, he entirely agreed. There was one part of the statement of the noble Lord, however, which he had heard with some surprise. He had said, that 5,000*l.* had been put under the direction of the General Assembly of Scotland, for the purposes of the training schools. No one had a higher respect for that assembly than he had, but he could not help thinking that it would be highly desirable that some arrangement should be made for distributing in Scotland a portion of this grant amongst the dissenting bodies—the bodies not in connection with the General Assembly—in the same manner as it was distributed to bodies in a similar situation in England. He begged, therefore, to suggest to the noble Lord, that in the event of another grant being obtained, as he had no doubt it would be obtained, some arrangement with this view should be effected.

Lord *Wharncliffe:* If the dissenting body in Scotland would form such an association as existed in England, and would undertake to build a normal school, the time would then arrive for their applying for a part of the grant.

Petition laid on the Table.

Adjourned at a quarter before eight o'clock.

HOUSE OF COMMONS,

Tuesday, July 12, 1842.

Minutes.] Bills. *Public.*—1°· Sudbury Disfranchisement; Witnesses Indemnity; Protection of her Majesty's person.

3°· and passed:—Fisheries Treaty; Slave Trade Treaties Acts Continuance.

Private.—1° Crawford's Estate.

3°· and passed:—Cambuslang and Muirkirk Roads (No. 2); Viscount Fitzwilliam's Estate; Vere's Divorce; Duke of Cleveland's Estate; Davidson's Estate.

Reported.—Linen etc. Manufactures (Ireland); Turnpike Acts Continuance.

Petitions Presented. From Bath, for Inquiry into the System of Education pursued at Maynooth.—From Sunridge, for Amendment of the Poor-law Amendment Act, —By Mr. Codrington, Colonel T. Wood, and other hon. Members, from Crickhowel, Darlington, Houghton-le-Spring, Easington, Rimcoon, Augarth, East Grinsted, and other Unions, against the Poor-law Amendment Bill. —By Mr. Serjeant Jackson, from Magouvney, for Alteration of the Present System of Education (Ireland).—By Mr. Litton, from Coleraine, against the Tobacco Regulations Bill.

Education—Singing Classes.] Sir *R. Peel* presented a petition from the pupils who have attended the classes established at Exeter-hall, under the sanction of the Committee of Privy Council, for instruction in certain methods of Elementary education. Having been applied to by those parties, he had yielded to their wish that he should present their petition. He, however, in presenting it, could do no more, according to the rules of the House, than read the heads of the statements contained in it. The petitioners stated, that they were connected with various elementary schools in the metropolis, and that they, and the children intrusted to their care, had derived great improvement in consequence of the classes established at Exeter-hall. In February, 1841, classes had been first opened there, for instruction in singing, and the formation of masters and mistresses, to conduct elementary schools, under the direction of Mr. Hullah; that the plan had succeeded even beyond expectation; and that not less than 2,500 children of the working classes of London were now receiving instruction from masters and mistresses who had attended the classes at Exeter-hall. The petitioners were of opinion, that instruction in music tended to refine the manners of the children; and they found, that it improved order in the schools, and thus promoted the facility of acquiring other branches of education. They wished the plan to be further extended, and that instruction should be given in arithmetic, drawing, &c. The petitioners stated that the system had been supported by contributions raised by private individuals, and by the subscriptions of those who received instruction; but these resources were found insufficient for the purpose of extending the system. The petitioners, therefore, prayed, that the House would make such an alteration in the appropriation of the annual grant for education, as would enable the Committee of Privy Council to defray the expense of carrying out the plan to its fullest extent. So far as the application of part of the funds annually granted for educational purposes to the encouragement of the praiseworthy object described by the petitioners was concerned, he was prepared to announce the consent of the Crown. He could not, however, give a similar consent to any plan for the erection of a building to be devoted to that object. At the same time, he readily admitted, that it was of very great importance to extend education to the children of the poor; and he believed that the classes established at Exeter-hall had been productive of very great benefit.

Petition laid on the Table.

FISHERIES. — CAPTURED SLAVES.] Captain *Pechell* wished to ask the right hon. Baronet at the head of her Majesty's Government a question with reference to two bills that were reported at a late hour last night. The one was the Fisheries Treaties Bill, the other the Slave Trade Treaties Act Continuance Bill. The first bill gave authority to the Privy Council to carry into effect any agreement which might be come to by commissioners appointed on the part of this country and of France for regulating the fishery on the coasts of the two countries. He wished to know whether that negotiation was brought to an end, and whether care had been taken that the regulations should be such as the fishermen would be guided by? As to the Slave Trade Treaties Continuance Bill, he wished to know whether it was the intention of her Majesty's Government to introduce any measure for appropriating the proceeds of the slave vessels captured since the Portuguese act of 1839? 80,000*l.* which belonged to the captors was now locked up. This was exceedingly hard on the captors, who were thus deprived of that which was justly due to them.

Sir *R. Peel* could not, with respect to the first question, give the gallant Officer information on a question that was not yet settled. As to the other question, he must pause before he consented to introduce a bill on the subject in the present Session.

SECURITY OF THE QUEEN'S PERSON.] Sir *R. Peel*: Sir, I apprehend that the House will not consider that it is upon light or trifling grounds that I call its attention to the state of the law intended to provide for the personal security of the Sovereign of these realms, and to the necessity of giving such additional protection to the person of the Sovereign as any legal enactments can supply. Sir, I do not make this proposal upon light grounds, when it is notorious that, within the space of two years, three assaults upon the person of the Sovereign have been committed, by the discharge or attempted discharge of fire-arms, thus endangering the personal security, or calculated to excite the alarm and apprehension of the Sovereign, and to disturb the public mind by natural and just apprehensions for the safety of that illustrious personage. If, then, it be possible for the law to afford additional protection to the person of the Sovereign, Parliament should not separate without legislating upon the subject. Sir, I am glad that in considering the means of preventing any new offences of the nature in question, I do not find it necessary to call in the aid of extreme severity of punishment. I do not contemplate any necessity for creating any new treasons. I do not contemplate the necessity of instituting any new capital punishments for offences directed against the life of the Sovereign. I think the object may be effected without the constitution of new treasons, or the infliction of new capital punishments. Sir, if the state of the law is such that it encumbers the trial of certain offences with needless forms and solemnities which are calculated to administer to the morbid vanity of those base miscreants who commit crimes partly from the desire of gaining an unenviable notoriety, in these cases, I think, these forms and solemnities should be dispensed with. Sir, it becomes necessary for the purpose of explaining to the House the tenor of the measure I intend to introduce, that I should shortly review the existing state of the law with respect to treasonable attempts on the life of the Sovereign. I may dismiss from my consideration all those acts of constructive treason, such as levying of war, or attempts to force the Sovereign to consent to certain measures by means of intimidation; it is only necessary for me to refer to the enactments which provide for the personal security of the Sovereign, and those laws which are directed towards the punishment or prevention of offences connected with this security. Now, the state of the law I apprehend to be this, confining myself as I shall do, to treasons directed against the person of the Sovereign. By an ancient statute of Edward 3rd., it is provided that it constitutes high treason to compass the death of the Sovereign —that compassing the death of the Sovereign must be accompanied by an overt act, such as an attempt upon the life of the Sovereign; for I pass over for the present acts of constructive treason, but, so far as the personal security of the Sovereign is concerned, compassing the death of the Sovereign, attended with an overt act, is treason by the statute of Edward. At a subsequent period, so late as the 36th of George 3rd., in 1796, in consequence of attempts made upon the life of that monarch, a statute was enacted, which made it treason to compass the death or destruction of the Sovereign, or to inflict any bodily injury upon, or tending to the death or destruction, or to the maiming or wounding of the Sovereign. In such cases, down to the year 1799, if an indictment was preferred on the charge of treason, it was necessary to try the prisoner with all the solemnities and forms of law which were required by a statute passed under King William; but in 1799 an attempt was made upon the life of George the 3rd by a person named Hatfield. He was acquitted on the ground of insanity, but the form of the proceedings against him was that established under the statute of William. The prisoner had the names of the witnesses supplied to him; he had that delay, and all the several forms which were required by the statute of William, and afterwards by that of Anne were duly observed. But after that trial in 1800 an act was passed which provided that in cases of offence in compassing the death of the Sovereign, accompanied by an overt act, that in such cases the form of trial for high treason should be dispensed with, and the mode of trial should be the same as in cases of ordinary murders, or malicious shootings, and so stands the law at present, that is to say, in cases of treason under the statute of Edward, where there is compassing of the death of the King, the proceedings against the prisoner may be the same with those in cases of ordinary murder. But if the offence be committed under the statute 36 George the 3rd, if there be a compassing of the wounding of the Sovereign, there is no power to dispense with all those solemnities which accompany the trial far high treason, but the person accused must be arraigned under the statute of William. I propose that in the second case as well as the first, it should be at the discretion of the Crown to conduct the trial in the ordinary manner, that it shall not be necessary to go through the formalities as they are described by Erskine in the trial of Hatfield, who defended the prisoner. In describing those formalities Mr. Erskine said,—

> "The prisoner is covered all over with the armour of the law. He had been provided with counsel by the King's own judges, and not of their choice, but of his own. He has had a copy of the indictment ten days before his trial. He has had the names, descriptions, and abodes of all the jurors returned to the court, and the highest privilege of peremptory challenge derived from and safely directed by that indulgence. He has had the same description of every witness who could be received to accuse him; and there must, at this hour, be twice the testimony against him as would be legally competent to establish his guilt on a similar prosecution by the meanest and most helpless of mankind. . . . . . An attack upon the King is considered to be parricide against the State, and the jury and the witnesses and even the judges are the children. It is fit on that account that there should be a solemn pause before we rush to judgment, and what can be a more sublime spectacle of justice than to see a statutable disqualification of a whole nation for a limited period, a fifteen days' quarantine, before trial, lest the mind should be subjected to the contagion of partial affections?"

After the trial of Hatfield, however, these formalities were dispensed with, and in the case of Francis we proceeded against him in the ordinary mode of a trial for murder or malicious shooting, and I cannot help thinking, that after the experience which we have had of repeated attempts on the life of the Sovereign, or at least of assaults from which intention to kill or wound the Sovereign may reasonably be inferred, that the subjecting of such miserable persons to the forms and formalities of a trial under the statute of William, that investing them with the dignity of traitors is an unnecessary security against the abuse of the law, and one which almost tempts them to commit the crime, for the sake of the supposed importance which it gives to them. I propose therefore that, in cases of treason, where the offence is a compassing of the wounding the Sovereign, accompanied by an overt act, that in such cases, as well as in those other cases contemplated by the act passed after the trial of Hatfield, the offender may be tried by the ordinary tribunals of the country as in any ordinary charge of murder, and that the formalities of high treason may in such cases be dispensed with. I propose to constitute no new offence, and I do not intend to constitute any new punishment; I merely propose a change in the form of proceedings in cases where a charge compassing the wounding of the Sovereign is made, and to assimilate the form to that observed when the life of the Sovereign is said to have been attempted. It was on this principle that we recently acted in the case of Francis. In that case, after full consideration, notwithstanding that his life was forfeited, we determined that it was not for the public interest that the sentence of capital punishment should be carried into effect. We did not come to this determination until after the most mature deliberation. We decided, with the conviction that the jury who had found the verdict acted from pure and honourable motives and upon sufficient grounds, and that their intelligence and independence were not to be called in question. But, at the same time, however base the motives, however heinous the offence, yet still acting in conformity with the commands of a gracious Sovereign, whose prerogative it is to administer justice and to dispense mercy, we determined to apply the same principles to the case before us as we would with respect to any other case involving capital punishment. Two cabinet councils were held. We reviewed the whole of the evidence taken against Francis, we resolved not to decide without an interview with the three judges, by whom, or in whose presence, the prisoner was tried, and without a conference with the law officers of the Crown, the Attorney-general and the Solicitor-general, by whom the prosecution was conducted. The result of the conference with the three judges was an unanimous expression of opinion that it was not advisable that the capital sentence should be carried out. The opinions of the judges were found to be in accordance with that of the law officers of the Crown; and under these circumstances, I think the House will be of opinion that we have taken a more effectual security against the repetition of the offence, by applying the same principle to the case of Francis as we would have applied to any ordinary case of charge of murder, than we should have done had we stretched the law; or if not actually stretched it, at least had departed from the usual practises, for the purpose of making a severe example. But the decision to which we came was founded upon the unanimous report of the judges before whom the prisoner was tried, and the law officers of the Crown who conducted this prosecution. It was no feeling of false humanity which tempted us to remit the capital sentence, but into the reasons which influenced us I am sure the House will not expect that I should enter into detail. The bill which I now propose will also provide for other offences beyond those which bear the name of treason. The bill will subject to severer punishment, than can be applied under the law as it at present exists, all those offences which are connected with the discharge of fire-arms at, or attempts to alarm the Sovereign, even where the charge does not amount to high treason. Perhaps I cannot do better than read to the House the class of offences against which my measure proposes to provide. I propose to enact that after the passing of this act,

"If any person or persons shall wilfully discharge, or attempt to discharge, or point, aim, or present at or near the person of the Queen any gun, pistol, or other description of fire-arms whatsoever, although the same shall not contain explosive or destructive substance or material, or shall discharge or attempt so to discharge any explosive or destructive substance or material; or if any person shall strike or attempt to strike the person of the Queen with any offensive weapons or in any manner whatever, or if any person shall wilfully throw or attempt to throw any substance whatever at or on the person of the Queen, or with intent in the cases aforesaid to break the public peace, or with intent in any of the cases aforesaid, to excite the alarm of the Queen."

In all these cases, I propose that the offenders shall be subject to certain punishments not of undue severity, for I think that it is of importance that the law should derive its efficacy from public opinion, but I propose to increase the severity of the punishment, which would be visited on these offences in the present state of the law. I propose that any party so offending, that is intending to hurt the Queen, or to alarm the Queen, shall be subject to the same penalties which apply to cases of larceny; transportation not exceeding seven years; but we propose also another punishment more suitable to the offence, and more calculated to repress it—that there be a discretionary power of imprisonment for a certain period, with authority to inflict personal chastisement. Instead of dignifying those miscreants with the solemnities of a trial for their life, and inciting them to those offences by making them the objects of that most misplaced and stupid sympathy with which some persons are apt to view such offenders, let us make known to the world, if men can be found actuated by any malignant wish to disturb the peace of their Sovereign, when enjoying that relaxation so necessary to her after the cares and anxieties of her station, that for these contemptible acts they shall receive the degrading punishment of personal chastisement. I do confidently hope, Sir, that without calling in the aid of any extreme severity, the provisions of this bill will be effectual in repressing these offences. Let us look at the nature of this crime. It is not a traitorous offence against her Majesty, a contrivance laid by persons possessed of great power against the peace of the realm —the miscreants who have lately offended in this way have been actuated by scarcely any assignable motive whatever. The law, in charity to human nature, has never contemplated the possibility of any human being in the form of man finding any satisfaction in presenting a pistol at a young lady, that lady a mother, that lady the Queen of these realms (cheers), and it is monstrous to think that she shall be subject to injury from an offence from which the meanest of her subjects are protected. I hope, Sir, that this House will respond to the proposal I now make, that a new security against such attempts shall be taken. Sir, I confide in the power of public opinion—I confide in those feelings of affection for her Majesty which I am sure animate the breasts of her subjects for constituting a defence against the attempts of powerful individuals to disturb the public peace. What we have now to guard against is the designs of those wretched miscreants, which are calculated to disturb the peace, not only of her Majesty, but of every loyal subject of her Crown, and if due additional security can be furnished by an enactment such as I propose, which trenches upon no principle of English jurisprudence, which invokes no undue severity of punishment, I have every confidence that the measure will meet with the unanimous approbation of this House, and that every individual among its Members will return from his Parliamentary duties to his domestic retirement with increased satisfaction, if he can be assured that her Majesty will enjoy, as she has a right to enjoy, a degree of security and tranquillity at least as great as that which the law secures to all her subjects. I will add no more, but move for leave to bring in a bill to provide for the further security and protection of her Majesty.

Lord *J. Russell*: I rise to express my cordial assent to the motion. I entirely agree with the right hon. Baronet, that when new mischiefs and new crimes are committed, it is desirable that the law should be changed, so as to meet them. The right hon. Baronet, as I understand him, does not at all propose to interfere with the ancient law of treason, or with offences to which that law is applicable. In fact, we have not to deal with great plans of insurrection, or plans of conspiracy, for the purpose of overturning the State. With respect to crimes of that kind, there are certain securities provided by law, which, I think, are rightly provided; and, with regard to one of which —the defence by counsel—it has been extended to persons accused of felonies of an ordinary nature. But the offence with which the right hon. Baronet proposes to deal is, undoubtedly an offence new in its kind. It does not spring from any political passion spread through any portion of the people. It has its origin, as the right hon. Getleman has said, in some base and malicious passion to injure the person of the Sovereign. When such offences are committed, as unfortunately we have seen committed during the last two years, I think it is an occasion on which the law should be altered to meet offences of that kind, and on which means should be provided for bringing the person guilty of them to trial speedily, and without those solemnities which are fitly provided in cases of a much graver nature as regards the State. With respect to the ordinary offences of treason, to which I have just alluded, there may be great difficulty in ascertaining whether the offences were the result of a plot or conspiracy. The persons who have evidence to give may be witnesses whose evidence could be completely destroyed, if the prisoner were furnished before hand with the means of rebutting their testimony. But about offences of the nature of those we have now to deal with, there can be little question. They are committed in the face of day, and they must be committed against the person of the Sovereign. Agreeing, therefore, in the principle that for extraordinary offences new laws should be made, I agree readily with the right hon. Gentleman as to the kind of punishment by which he proposes to meet this new crime. I think, as it is the offence of base and degraded beings, a base and degrading species of punishment is most fitly applied to it. It is impossible to think or almost to divine what kind of motives are those by which this crime is prompted. My imagination is really unable to conceive how a person can be tempted to interfere with the ordinary recreations of the Sovereign, and to attempt to deprive her Majesty of that common enjoyment of air and exercise which is not denied to the meanest of her subjects. And as her Majesty is more exposed to such attacks than any other person, I quite agree that the remedy suggested is most imperatively called for. I trust in God that the law may be found adequate to its purpose; and whether these offences arise from a morbid love of notoriety, or whatever may be the motives of those committing them, when it is known that they will be treated with the punishment they deserve, I hope we shall not have in future years the grief and pain of witnessing crimes not only painful as they affect the peace of the Sovereign, and as they must, in some degree, disturb her tranquillity of mind, but as they are clearly most disgraceful to the nation.

Mr. *Hume*: I am quite satisfied the House will pass this law unanimously. But I may, perhaps, take this opportunity of suggesting, that as the right hon. Baronet once effected great good by simplifying and condensing the statutes relating to the criminal law, the officers of the Crown could not be better employed than in devising the means of bringing the laws respecting treason into one comprehensive statute.

Mr. *O'Connell*: However politic such a change as my hon. Friend suggests may be hereafter, I trust we shall not be turned aside from expressing an unanimous opinion in favour of the proposed law. I hope it will not be deemed presumptuous in me, who speak with the weight of no station, to interfere on an occasion where the House is certainly unanimous. But I cannot avoid expressing, in the name of my constituents, and in the name of that part of the empire from which I come, the universal abhorrence and disgust felt there at those base offences committed against her Majesty's person, and the thankfulness which they will entertain towards her Majesty's Government for a measure calculated to mark with the contemptuous execration of the whole nation those brutal attempts on her Majesty's life. It is said that flogging is a brutal punishment. But what are they but brutes who are guilty of this offence? If these offences were committed against a person in private life, and that individual a mother going to the worship of her God, when her life was thus assailed by the cowardly attack of the assassin, our abhorrence of the crime must be unbounded; but when such an attack was made against the most universally popular Sovereign that this country ever beheld, one in whose pure character no taint can be discovered, and who attracts the admiration and affection of all her subjects, it is really degrading to our nature and afflicting to every right-thinking mind. I do not think that the rulers of the House should stand in the way of the passing of this bill as speedily as possible, and I am of opinion that no technical opportunities of delay—such as a traverse *in prox.*—should be allowed, because the trial should follow as soon as possible the commission of the offence. I beg pardon of the House for having thus intruded.

Leave given.

Bill brought in and read a first and a second time.

On the motion that the bill be committed on the next day,

Several hon. *Members*: Pass it at once.

Sir *R. Peel* thought it better to have it committed to-morrow, in order to adopt any suggestions which might be made.

Bill to be committed.

POOR-LAW AMENDMENT.] Sir *J. Graham* moved the Order of the Day for a committee of the whole House on the Poor-law Amendment Bill.

Mr. *Liddell* inquired of the right hon. Baronet the Secretary for the Home Department if the commissioners had put a proper construction on that part of the Poor-law authorizing the delegation of the whole powers and authority of the central board to any one commissioner, with the consent of the Secretary of State?

and suggested that the powers of the commissioners should be recapitulated and confirmed by the new act.

Sir *J. Graham* said, it was quite clear that the law intended to give to one commissioner, in certain cases and with certain reservations, all the power of the commissioners. There were three commissioners, and as one of them was required under the Irish Poor-law Act to be occasionally absent in Ireland, and one of the two in England might be incapacitated, from illness or some other cause, from the performance of his duties, it had been thought better to authorize the remaining commissioner to act in the absence of his colleagues than to entail on the country the expense of a fourth commissioner. With respect to the other part of the question, the right hon. Baronet was understood to reply that the powers of the commissioners were sufficiently well known to render any insertion of them in the new act unnecessary. He begged to move that the Speaker do leave the Chair.

Mr. *T. Duncombe* wished to ask the right hon. Baronet whether he seriously contemplated being able to pass this bill before the commission expired. Rather more than a fortnight since, in consequence of the state of public business, the late period of the Session, and the approaching expiring of the commission on the 31st of this month, he had himself moved that it would be expedient that some other measure should be adopted instead of this long bill. He considered it, then, totally impossible that the right hon. Baronet would be able to pass this measure within the time limited for the expiration of the commission. The House would admit that there was much less probability now; for in the week after next the commission would cease and determine. The right hon. Baronet could not expect that the bill would pass within that period, and he should like to know what would be the state of the country supposing it did not pass within that time. To-morrow there would be a committee of supply; Thursday, being a notice-day, there would be no Poor-law; Friday there would be supply again; consequently there would not be much more of the Poor-law after that evening, and he did not think the House would get through many clauses to-night. There would then be only next week for the House to get through a bill containing upwards of sixty clauses; there must be one night for the report, and another for the third reading, leaving no time at all for the consideration of this most important subject by the House of Lords. Supposing the commission was put in abeyance by its expiry, the House must go back to the first clause, which would require to be altered. The clause stated that it was necessary to extend the commission; but it would be necessary to renew and revive the commission, and in the meantime the commissioners not being popular with the boards of guardians, they might depend on it throughout the country considerable advantage would be taken of their absence. He was in hopes they would not be allowed to sit one hour in Somerset-house after the commission expired. Several of the boards objected strongly to the size of these unions, especially in the metropolitan districts; he might instance St. Andrew's, Holborn, which the commissioners had joined to a small parish, in order to have it within their grasp. The moment the commission expired there would be a dissolution of that union, and there would be also, he expected, general confusion throughout the country. He should say, for the sake of the law itself, it would be much better not to let the commission drop at all, and to pass a short bill for its continuance, as it would be morally, and he might say physically impossible that the present bill should pass. He did not know what a tyrant majority might be able to effect, but he was at least satisfied it ought not to pass. They might repeal the Gilbert's Act, but that would be contrary to the good faith of Parliament when the new law was introduced; but they would have the greatest difficulty in doing so, and he very much doubted whether they would be able to effect it. Therefore, unless the right hon. Baronet's explanation was satisfactory, he should move that the Speaker do leave the Chair that day three months.

Sir *J. Graham* was sure the threat which the hon. Gentleman had just held out, that the Speaker should be detained in the Chair for so long a period, would be the greatest inducement to him to make every concession to the hon. Gentlemen consistent with his public duty; but he was happy to perceive the hon. Gentleman was quite aware of the extreme inconvenience and evil to the public which would result from the commission lapsing, and that the hon. Gentleman admitted that the controlling power of the commission was in fact necessary for the due execution of the law. He did not think the House would accuse him of unnecessary delay in bringing this measure under their consideration. He had done so from time to time whenever the progress of other measures, considered of paramount importance, allowed. Four nights had already been occupied in preliminary discussions, and some progress had been made with the first clause, which was one of great importance; yet the hon. Gentleman now asked him, when the House was about to proceed with the other clauses, to give him some assurance that he would not persevere in pressing this measure on the attention of the House. He could not, in the discharge of his duty to the public, give any such assurance; he was bound to take the opinion of the House, which had hitherto supported the bill by a very decisive majority. He could not conceive that the hon. Gentleman, being aware of the confusion which would result from delay, would take any extreme course to secure that object; yet he was afraid, from something which fell from him, that there was some probability of his doing so. It was, at all events, his duty to proceed with the measure until he was enabled to ascertain the decided opinion of the House on the subject. He had endeavoured to urge on the House his view of the extreme danger which, in the present state of the poor of this country, would result from the discontinuance of the commission; and in his opinion the passing of a short bill only for the purpose of renewing it would so brand that commission with the want of the confidence of Parliament that their functions could no longer be performed with equal efficiency. The period of the extension of the commission would come under the consideration of the House in the early clauses. He was disposed to act in accordance with the feeling of the House, and that he would have an opportunity of ascertaining when the question came before them. On going into committee the first motion would be to fill up the blank in the first clause, and this was the point on which to raise the discussion. Of course, if the judgment of the House was against him, he would defer to it.

Captain *Bernal* was well aware that when a Gentleman felt it to be his duty to oppose any measure of the Government, be subjected himself to the imputation of being factious. This was the stale device of every rampant majority when irritated by any check. He should therefore offer no apology for any opposition he might choose to give the present measure; but he would remind hon. Gentlemen who had possibly voted on this question against their public pledges and private convictions, that there might be such a thing as a factious support. He did not see why the House should be called upon, because of the short-sightedness of the Legislature, and the carelessness of magistrates in engrafting errors on the act of Elizabeth, to continue the *imperium in imperio* which the commissioners possessed. He could not help connecting the Corn-law with the Poor-law. In 1839 the noble Lord the Member for London asserted that under the operation of the Poor-law the land in Sussex had increased in value by three years' purchase. Why, then, when they were taking off the burdens on land, did they cling to their darling monopoly of corn? He did not know whether this was the proper time to make observations on the bastardy clauses, but he could not help expressing his opinion that they were most unwise and inhuman in their tendency. There had been a decrease of 40 per cent. in the charge of bastards on parishes; but would any person infer from that that the number of illegitimate children had diminished? In the course of his reading he had met with a valuable work, published by a Frenchman, on the statistics of crime in France, and the writer observed that the department where the number of illegitimate births was the greatest, there were the fewest infanticides; and where the number of infanticides was the greatest, the illegitimate births were the fewest. He trusted the House would force on the Government the necessity of reconsidering the bastardy clauses. The right hon. Baronet at the head of the Government had been frequently taunted with having given his sanction to the Anti-Poor-law cry at the last election; and when he observed the great power which the right hon. Baronet exercised over hon. Members opposite, who, however much they might decry him in their own coteries, yet in that House believed in and trembled at him, he could not help thinking that the right hon. Baronet had given a silent sanction to those who attacked the late Government under cover of the Poor-law. What had been the course pursued by a near relative of the right hon. Baronet at Devonport? He declared that if the provisions of the New Poor-law were not altered and modified, the country would be in a state of revolution. What, too, had been the course pursued by the present Under-Secretary for the Colonies at Weymouth? He expressed unmitigated hostility to the New Poor-law. Since entering that House, however, those Gentlemen who had been so loud in their denunciations of the Poor-law out of doors, had been rendered mute by the potent wand of the great wizard. Was it too much, then, to suppose, that if the same power which was exerted now had been employed twelve months back, it would have had equal influence? He did not now intend to allude to the conduct of the Paymaster of the Forces, who had afforded a remarkable proof of the truth of his own quotation—*nusquam tuta fides!* But he wished to refer to the declarations made by another hon. Gentleman, and which he seemed to have most conveniently forgotten. He found that this Gentleman, after abusing on the hustings the Whigs for their attachment to place, proceeded to make the following observations:—

> "He had always expressed himself," he said, "on the harsh bearing of the Poor-law on the poor. The Ministers having first found out that all the institutions of the country were abuses, introduced theoretical reforms which were dangerous to the country. They discovered the necessity of altering the Poor-law. Now, he conceived that the vesting of absolute power in the commissioners had been the cause of all the misery which followed that law. The most of the hardships had arisen in consequence of the discretionary power given them."

This was uttered in 1837, when there was great excitement about the Poor-law; and what said the same Gentleman in July, 1841, when the excitement had a little subsided? He stated that—

> "On the subject of the Poor-law, he had not in any degree changed his opinion; he thought it most unjust for a central commission to take on itself the whole management of the poor; he thought a discretionary power ought to be given to local authorities, who were intimately connected with the poor, and who were much better acquainted with their habits than men at a distance possibly could be; he should like to see such a law as the old law would be if duly administered."

Who was the Gentleman who gave utterance to these sentiments? He now held a place in the office from which this Poor-law bill emanated—he was Under-Secretary of State for the Home Department. He would now leave the hon. Gentleman to strike a balance as to the attachment to place between Whigs and Tories. In his vocabulary he had but one term to characterise such conduct, and the hon. Member for Knaresborough would show some impartiality in applying to it the same language he had used to describe the proceedings of his opponents.

Mr. *Sutton* said, that being unexpectedly called upon to address the House, he should not, in the few words he felt it necessary to say in reply to the observations of the hon. Member, indulge in any warmth of expression, nor give cause, he hoped, for the application of any of those remarks, which the hon. Member thought ought to attach to his conduct. He felt called on to say a few words, in reference to the speech which the hon. Gentleman had quoted as proceeding from him at the last election; and he had no hesitation in again repeating the words he used. He remembered perfectly well stating in one part of the speech, which the hon. Gentleman had not quoted, that no man was more fully convinced than himself of the great and various abuses which had rendered a change of the old law necessary. He stated that he conceived it to be utterly impossible and unjust to frame any definite law for the relief of the poor which should be applicable in all the different parts of the country, and that he was most anxious to entertain any modification or alteration of the harsh clauses of that law. He believed that he had now stated all that he did say, and he must be allowed to say, that in the first place he felt most deeply the abuses of the old law. It, therefore, appeared extraordinary that the hon. Gentleman should attempt to impute to him a declaration that he would vote for a return to the old law. ["No, no."] Was he, then, to vote against the present bill?

Capt. *Bernal:* What I said the hon. Gentleman stated was this, "That he should like to see such a law as the old law, if duly administered."

Mr. *Sutton* admitted, that he stated, as he was now ready to repeat, that the abuses of the law arose more from its maladministration than its nature. He also stated that he was anxious to revise the harsher clauses, and that it was impossible that there could be one uniform mode of relief applicable to all parts of the country. What was the course he now pursued? He was ready to vote for the continuance of the commission, because it was allowed by all that a different system could be applied to different parts of the country; and he voted for the bill with the object of considering it in committee, and introducing such modifications as the House might deem fit. He, therefore, did not think he was liable to the charge made against him by the hon. Gentleman.

General *Johnson* put it to the right hon. Baronet opposite, whether he thought at that period of the Session there was an opportunity for a fair discussion of the details of the measure? He did not think it at all an unreasonable request to ask the Government to introduce a temporary measure, and to bring the whole question under the consideration of the House at an early period next Session.

Lord *J. Russell* interfered as little as possible in these discussions, thinking it best to leave the hon. Gentleman to defend the bill; but on the last occasion on which he had spoken he stated, that he thought the best way would be to go into committee, there to consider the four or five first clauses, and then that the House should determine whether there would be time and opportunity to consider the other clauses. They embraced various subjects, the Gilbert unions, school-districts, &c.; and hon. Gentlemen wished to bring under the consideration of the House the bastardy clauses on which difference of opinion prevailed. But with respect to the first clause's continuing, the House seemed pretty well agreed, and even the opponents of the bill admitted that the immediate expiration of the commission would be attended with confusion. He therefore thought it desirable to go into committee to consider the first clauses, and after that an opportunity would arise for deciding whether they could go on with the rest of the bill.

Mr. *S. Wortley* said, the course suggested by the noble Lord involved some difficulty. If they proceeded to the first clause, and filled up the blank prolonging the commission for five years, then he feared it would not be in the power of the House to retrace its steps. Be this so or not, there appeared to be great inconvenience in pushing the bill forward in its present state. The right hon. Baronet (Sir James Graham), in his desire to carry the enactments of this bill, appeared to be actuated by a feeling that the course proposed by the hon. Member for Finsbury, to continue the commission till next Session, would have the effect of affixing a stigma to it, and rendering it less efficient. He could not help thinking that there need exist no such apprehension. The commissioners had had already a very decided opinion pronounced in their favour by a majority of the House; and he did not see that it would be casting any stigma on them, if under the peculiar circumstances of the time, the commission was only prolonged for one year instead of five.

Lord *J. Russell* did not mean that after the House should agree to continue the commission for five years the House should then retrace its steps and continue the commission for one year only. He always stated, that the commission should be continued for five years.

Sir *R. Peel* was ready to admit that it would be unjust for a rampant majority to force the House against all reason to consent to any measure, and having made that concession he hoped it would be conceded to him that it would be equally unjust in a minority to prevent the sense of the House from being duly taken. There would be an end to all deliberative assemblies, if the sense of the majority was to be overborne. Why not take the sense of the House on the question whether the commission should continue five years or not, and discuss that question irrespective of the other clauses? He intended to propose votes of supply to-morrow and on Friday, so that it would be Tuesday next before this bill could be again considered; but all the Government asked was, that the House should proceed in the usual way, and deliberate upon the details of the bill. If there were objections to particular clauses, they might be urged, and due weight given them; but let the House determine whether the commission should last five years or not. He disclaimed taking any course on the strength of a majority against reason; but if they were to act on the principle that the minority may by obstructions defeat the sense of the majority, they would be establishing an argument in favour of despotic government, and against popular assemblies. If the bill were committed, and parties should be dissatisfied because certain changes were not made in it, they had the power of taking the sense of the House against it on the report and on the third reading.

Mr. *T. Duncombe* was not liable to the charge of proposing a vexatious opposition. He said it was totally impossible, on account of the want of time, properly to consider the measure, and the right hon. Baronet had confirmed what he said, for he admitted that they could not consider the bill again until next Tuesday. Objections were entertained to various clauses, particularly to that relating to the commission and Gilbert unions, and he still maintained that there was not sufficient time for a fair and straightforward consideration of the bill. He did not say that great inconvenience would arise if the commission ceased. What he stated was, that if they intended to renew the commission there would be great inconvenience in allowing it to cease; and that in that case they would find great difficulty in reviving it.

Mr. *R. Yorke* said, that the present bill was unpopular, and by a large portion of persons was thought unjust and unchristian. Parliament had met at the beginning of February, and they had been speaking on every other subject except the poor. It was now the 12th of July, and it would be about the 20th before they could again proceed to the discussion of this bill. At that time a large number of Members would be leaving town, and he learned from information which he had received from various parts of the country, some of which was in his hat at that moment, that the Government intended to job this bill through the House when the state of the House would render it impossible for the measure to receive a just and proper discussion.

Mr *Lawson* was understood to inquire, whether the Government intended to press the sixth clause?

Sir *J. Graham* said, he hoped the House would see the inconvenience of calling on the Government to state what course they should pursue with respect to particular clauses. He should be most happy to obtain the support of the hon. Gentleman for the first five clauses, but must abstain from making him pledge as to the sixth. He concurred with the noble Lord opposite in thinking it expedient that the opinion of the House should be taken on the first five clauses; and the opinion of the House might be again asked on the proposition of the hon. Member for Finsbury, whether the commission should last for one year only. The motion for filling up the blank in the first clause would raise the whole question; and if there should be a decided majority in favour of continuing the commission for five years, he hoped that those who were opposed to the prolongation of the term of the commission would then give way.

Mr. *Hindley* thought it unseemly and unbecoming, on the 12th of July, to attempt to go into committee on this bill, against which a great portion of the supporters of the Government were pledged. What was the real intention of Government? The right hon. Baronet opposite had not the least idea of carrying the bill. All that he wanted was to get the first five clauses agreed to, and then he would just pass that short bill, and the House would hear nothing more about it. Was it not better to take the sense of the House on the motion that the commission should only last one year? He hoped the hon. Member for Cambridge's explanation would be better received at Cambridge than it had been in that House. If the hon. Member voted for the continuance of the commission, he would certainly act inconsistently with his former declarations.

Captain *Pechell* recommended the right hon. Baronet, the Home Secretary, to imitate the conciliatory manner of Lord Althorp, who introduced the Poor-law, and who by his manner greatly disarmed opposition. In consequence of the right hon. Baronet having read a letter from one poor man in Chester in favour of the commission and the dissolution of he Gilbert Unions, he should be obliged to read to the House letters of a contrary tendency from almost every board of guardians acting under local acts. He advised the right hon. Baronet to take the continuance of the commission for one year, and leave the Gilbert Unions alone.

Mr. *O'Connell* said, that all the Government should desire was such a pressure from the House as would justify them in not persevering with the bill. Nobody could blame them for not bringing it forward before, because other measures had been under the consideration of the House. It struck him to be utterly impossible at that late period of the Session to discuss all the clauses of the bill, relating to all the ramified interests of society. The school districts were a new topic to a considerable extent. They ought to educate the poor, certainly, but on a system equally just to all, and they ought to consider that system, as well as the arrangements of school districts. He therefore wished the House would express such an opinion that Ministers would be justified in passing a temporary act continuing the commission until the next Parliament. Then the subject could be considered at an early period.

Viscount *Sandon* said, his opinion accorded with that just expressed by the hon. and learned Member. He had already expressed his opinion, that the new system should be allowed a little further experiment under the present Administration, before they attempted to re-adjust it for a considerable period. He observed, that as the law continued to be carried into operation modifications of an improved character took place, and there seemed now to be a more just appreciation of the impossibility of passing one iron roller over the whole of the country. He would therefore allow this improvement to go on before they attempted to settle the law, and they would then be able to bring the question to a more satisfactory conclusion. As it was important that every clause in the bill should be considered, he would prefer to see the Government at the present moment introduce a short bill for continuing the commission, he would not say for one year, but for two years, if necessary. In the present circumstances of the country it was desirable not to continue the agitation which arose out of this measure. He believed it was the exclusion of out-door relief which agitated some of the most populous districts of the country, and quiet would be restored by a declaration from the Government that the workhouse test was not applicable to districts of that description.

Sir *J. Graham* said, he had declined to give a pledge to the hon. Member for Knaresborough which he conceived inconsistent with his duty; but there were two assurances he was now anxious to make to the House. The first was, that nothing could be further from the intentions of Ministers than to pass the present bill when the attendance of Members became thin. He was aware of the difficulty there would be in carrying forward this measure. After the present day, it would probably be next Tuesday before the bill could again come under consideration. He therefore could only give the assurance on general grounds that it would be his endeavour to make progress with it that evening and on Tuesday next, and it was not the intention of the Government to press forward a measure of such importance at a more advanced period of the Session, when the attendance of Members was thin. The second assurance he had to give the House was this:—If it should be the pleasure of the House to renew the commission and to extend the term of its existence, and that then, from the progress of the Session and a thin attendance of Members, it should be impossible for him, consistently with the assurance he had just given, to press forward the entire measure, then he gave a most distinct assurance on the part of the Government, that they would feel it their duty at the earliest period next Session to bring forward a measure in detail, containing all the amendments embodied in the present measure, and others which the experience of the winter might suggest. He certainly could not, consistently with his duty, make the concession of shortening the term for which it was proposed to renew the commission. He had on former occasions stated as strongly as possible his opinion, that a renewal of the commission for a shorter term, for a period anything like a year, would tend to depreciate its authority. The state of the country was such as they all deplored, and the commissioners were about to enter on their duties under peculiar circumstances. He therefore thought that they must be armed with full authority. Their authority would, however, be imperfect if Parliament, after an experience of nine years, admitting that the central control of the commission was necessary, should yet declare, in reference to the persons who composed it, or to the mode in which they exercised their authority, that they were unwilling to invest those persons with authority for so short a period as five years. This important point would be most advantageously discussed in committee, on the very first motion to introduce words to fill up the blank; and the decision of the committee would be taken on it.

House in committee on the bill.

Sir *J. Graham* proposed to fill up the

blank in the first clause, continuing the commission, with the words "thirty-first day of July, in the year one thousand eight hundred and forty-seven."

Mr. *S. Crawford* rose to propose an amendment, and in doing so he trusted he should not be charged with offering factious opposition to the bill. It had been said that the opponents of the law did not sufficiently understand its provisions. He would endeavour to point out some of its arbitrary enactments:—

"Sec. 1. Commissioners may summon individuals before them, examine them on oath, and enforce the production of all books or contracts whatsoever relating to the relief of the poor (sec. 2), and may delegate these powers to assistant-commissioners.

"Sec. 15. They may make all such rules and regulations as they may think fit for the management of the poor, for the government of workhouses, and the education of the children therein; for the superintending and regulating the houses where such children are kept, and for apprenticing the children of poor persons; also as to the examining, auditing, and allowing of accounts, and making of contracts in all matters relating to the relief of the poor, and at their discretion may alter, suspend, or rescind any such regulations.

"Sec. 21. All powers and authorities given by all former acts of Parliament, either general or local, with respect to the building of poor-houses, purchasing land, fitting up of the houses, and managing the poor therein, vested in the commissioners according to their rules, orders, and regulations.

"Sec. 25. Commissioners empowered to raise and charge on any parish any sum under 50*l.* for enlarging the workhouse without consent of guardians.

"Sec. 26. They may declare as many parishes as they may think fit to be united in any union.

"Sec. 32. Also have power to dissolve, add to, or take from, any union; but for this purpose they must have the consent of two-thirds of the guardians.

"Sec. 38. Commissioners shall determine the number and prescribe the duties of the guardians to be elected in each union; and also fix the qualification, so that it do not exceed an annual rental of 40*l.*; and determine the number which shall be elected for each parish."

The only check upon the commissioners in the distribution of the guardians to the different parishes imposed by the above clause is that each parish shall have at least one guardian. This being complied with, the commissioners may distribute the rest as they please.

"Sec. 42. Commissioners empowered to make rules and orders with respect to unions under the Gilbert Act, or any other general or local act, all these rules and orders, so made, being as valid and binding as if they were embodied in the act itself.

"Sec. 46. Commissioners may direct guardians or overseers to appoint paid officers for different purposes. They are given the complete control over these officers, and regulate the amount of their salaries.

"Sec. 48. Commissioners may, without any suggestion of complaint from guardians, remove any master of workhouse or overseer, or other paid officer, and declare such person incompetent to fill any paid office connected with the relief of the poor within the union.

"Sec. 49. All contracts entered into not in conformity with the rules of the commissioners void at their pleasure.

"Sec. 52. Commissioners empowered to make such rules as they may think fit for the relief to be given to able-bodied persons, or their families, out of the workhouse. They may direct to what extent and for what period it is to be given; whether by payments in money or food or clothing; to what persons or class of persons, at what times and places, on what conditions, and in what manner such relief shall be afforded.

"Sec. 89. All payments made by any overseer or guardian, at variance with any rule, order, or regulation of the commissioners declared to be illegal, any law, custom, or usage to the contrary notwithstanding.

"Sec. 98. Any person wilfully neglecting or disobeying any of the rules, orders, or regulations of the commissioners, or being guilty of any contempt of the commissioners sitting as a board, such person, upon conviction before two justices, shall forfeit any sum not exceeding 5*l.* for the first offence, not exceeding 20*l.* nor less than 5*l.* for the second, and the third offence becomes a misdemeanour, punishable with fine and imprisonment.

Out of these arbitrary principles had arisen the harsh enforcement of the workhouse test. The main mischief of the law was, that it confounded the profligate with the poor. Very different was the policy of the old law. Let the House refer to the following authorities:—

Infirm Poor.—New Poor-law.—Sec. 27 provides that magistrates may order relief to any "adult person who shall, from old age and infirmity of body, be wholly unable to work without requiring such person to reside in any workhouse, provided that one of such justices shall certify in such order, of his own knowledge, that such person is wholly unable to work." Gilbert and Select Vestry Acts.—An appeal is permitted on the part of the poor man, 1st by sect. 35, to local magistrates; 2nd, by sect. 46, to magistrates in quarter-sessions.—Select Vestry Act, Section 2.—Appeal to two justices. Gilbert's Act—Schedule, Rule 3 — "That the governor shall place in the best apartments such poor persons who, having been creditable housekeepers, are reduced by misfortune, in preference to those who are become poor by vice and idleness." Select Vestry Act, 59 George 3rd., c. 12, sec. 1.—"And every such select vestry is hereby empowered and required to examine into the state and condition of the poor of the parish, and to inquire into and determine upon the proper objects of relief, and nature and amount of the relief to be given; and in such case shall take into consideration the character and conduct of the poor person to be relieved; and shall be at liberty to distinguish in the relief to be granted between the deserving and the idle, extravagant and profligate poor."

Elizabeth 43, clause 1, provides, that competent sums shall be raised for and towards the necessary relief of the lame, impotent, old, blind, and such other among them being poor and not able to work. And clause 5 gives a power to build on waste or common lands convenient houses or dwellings for the said impotent poor.

Commissioners' Report, 1840, page 29.—"With regard to the aged and infirm, however, there is a strong disposition on the part of a portion of the public so to modify the arrangements of these establishments as to place them on the footing of almshouses. The consequences which would flow from this change are only to be pointed out to show its inexpediency and danger. If the condition of the inmates of a workhouse were to be so regulated as to invite the aged and infirm to take refuge in it, it would immediately be useless as a test between indigence and indolence, or fraud. . . . . . Rules are to be established of such a nature that these establishlishments may not be almshouses, but workhouses in the proper meaning of the term."

The severity of the dietary also proceeded from the same arbitrary source, its effect being clearly to exclude the unfortunate poor from the only relief the law allowed. The severe rules of the commissioners had not been at all relaxed until their existence seemed at stake. He had the highest authority for his denunciation of the arbitrary spirit of the law, and as to its contrariety to the humane spirit of the old law, in the following extracts from Blackstone:—

"One of the greatest advantages of our English law is, that not only the crimes themselves which it punishes, but also the penalties which it inflicts, are ascertained and notorious; nothing is left to arbitrary discretion. The King, by his judges, dispenses what the law has previously ordained, but is not hismelf the legislator. . . . . The law not only regards life and member, and protects every man in the enjoyment of them, but also furnishes him with everything necessary for their support; for there is no man so indigent or wretched but he may demand a supply sufficient for all the necessaries of life from the more opulent part of the community, by means of the several statutes enacted for the relief of the poor."

"The objects of 43rd of Elizabeth were two:—first, to relieve the impotent poor, and them only; secondly, to find employment for such as are able to work; and this principally at their own houses—at their separate homes, instead of accumulating all the poor in one common workhouse, a practice which puts the sober and diligent upon a level (in point of their earnings) with those who are not so, depresses the laudable emulation of domestic industry and neatness, and destroys all family connection, the only felicity of the indigent."

The commissioners were compelled, so harsh and impracticable were their own rules, to become exceedingly inconsistent, as was evinced by this passage, in their 6th annual report, page 39:—

"It must be obvious to any one conversant with the mode of living of the Irish people, that to establish a dietary in the workhouses inferior to the ordinary diet of the poorer classes would be difficult, if not in many cases impossible; and hence it has been contended, that the workhouse system of relief was impracticable in Ireland. . . . On the contrary, we are satisfied that the diet, clothing, bedding, and other merely physical comforts, may in the workhouse be better than in the neighbouring cottages, and yet that none but the really destitute poor will seek for admission, provided that order and discipline be scrictly maintained there. It is in truth the regularity, order, strict enforcement of cleanliness, constant occupation, preservation of decency and decorum, and exclusion of all irregular habits, and empty excitements of life, on which reliance must be mainly placed for deterring individuals not actually and unavoidably destitute from seeking refuge within the workhouse."

He firmly believed, that the effect of the Poor-law had been greatly to increase the distress unfortunately existing; for, whatever might be said as to the injury arising from paying wages out of the rates, it was undeniable, that in seasons of unforeseen distress, great relief was, under the old law, afforded occasionally to the poor. The House had decided, indeed, that the principle of the act should be maintained, but he trusted the commission would not be maintained for more than a year at present. This would be considered an evidence of kind feeling on the part of Government towards the poor. Moreover, let it be remembered, that in analogous cases, extraordinary and unconstitutional powers were never granted for more than a year, as in the case of the Mutiny Act, which had to be annually renewed. Whether as regarded the rights of the rate-payers—of the able-bodied poor—or of the aged and infirm—the bill was unjustifiable, unconstitutional, and severe. He appealed to those who professed a regard for liberal principles, but few of whom were now present, and to those who had promised a regard for constitutional rights, to set their faces against the virtual perpetuation of a system violating all liberty and all constitutional principles. The hon. Member concluded by moving—

> "That the blank be filled up with the words '31st of July, 1843," in order to continue the commission for one year only."

Mr. *Ferrand* could assure the right hon. Gentleman, at the head of the Home Department, that he would receive an unflinching opposition. In the north of England, there was hardly a union in which the law had not given great dissatisfaction, particularly in Keighley, Bradford, Halifax, Dewsbury, and Huddersfield Unions; men of all parties joined in denouncing its operation as most unjust and oppressive to the distressed poor. It was monstrous to enforce rigidly a workhouse test among a population of whom nearly 4,000 were in a state of pauperism. It was said by Mr. Mott, in the report made by that gentleman, and so often referred to in the course of the discussions which took place upon the subject of the Poor-laws, that relief had been afforded in the Keighley Union in aid of wages. Now, he was prepared to say that there was no foundation for any such statement. The relief which the board of guardians afforded was not more than had been found absolutely necessary for the bare support of life; and he could distinctly affirm that nothing had been given in aid of wages. The next assertion of Mr. Mott, which he was prepared to deny was this, that the rents of persons in distress had been paid to an alarming extent by the board of guardians in that union; but he met that statement with the authority of Sir John Walsham, who, in the plainest possible terms, denied the whole of that statement in the evidence which he gave on the subject. In the report of Mr. Mott, a statement was made to this effect, that the paupers insolently put forward their claim to relief, as a matter of right; but he was prepared to show that this assertion rested upon as unstable a foundation as any other which Mr. Mott had made. Some of the paupers, no doubt, might have urged their claims in strong language, but, most assuredly, without the slightest degree of insolence. As to the question of rents having been paid by the board of guardians, he should merely state, that once a certificate was sent into the board, stating that an inhabitant of the union, would, on the 13th of May, owe to his landlord a sum of 3*l*. 3*s*. for rent. Such an intimation was treated with total disregard, and even with ridicule; and it formed the only instance in which any application whatever had been made on the subject of rent. But, not content with such representations as those, Mr. Mott, in his report, alleged that no efforts on the part of the guardians were made to procure work for the paupers. So far from there being the least foundation for such a statement, he was enabled to inform the House, that the poor of that union had been, with hardly any intermission, occupied in raising or breaking stones. Then Mr. Mott said, that the education of the children had been neglected. What was the fact? Neither Mr. Power nor Mr. Mott ever set foot within the workhouse! And here was another fact, which neither of those gentlemen could disprove, namely, that means of education were supplied for the children of the poor in the town of Bingley according to their ages and capacities. Another charge brought against the guardians was, that they encouraged legal disputes. That was an allegation which he utterly and totally denied. It was said by Mr. Mott, that the bill of the attorney employed by the union would, for the past year, amount to 500*l*. The House would be surprised to hear that it really amounted to only 230*l*. Complaints had been made of the local situation of the workhouse, as if it were in the middle of the town of Bingley, whereas it was in a very healthful and open spot quite outside of the town, and as a proof that the situation was highly favourable to health, he could inform the House that they had not had one case of fever since the formation of the union. In the workhouse of the Keighley Union the poor were happy and contented. It was true that the master of the workhouse did sometimes allow the poor old men to walk more than a hundred yards out of the House, and even go down to the river side to enjoy a little fresh air. He allowed smoking tobacco in some cases, at the particular request of the medical officer; but there could not be a shadow of doubt that there was an entire separation of the sexes, both at meal times and during the hours of rest. Then as to what had been said about the dead having been companioned by the living, he should tell the House what had occurred. An old man died at the age of 82; he was laid out in the usual place. Almost immediately afterwards another old man, aged 72, died. The men who had been in the room with the latter were asked whether they would have the corps removed and laid with the other, or whether they would allow it to remain where it was. They replied, that they had been friends of the deceased, and that they preferred that his corpse should remain with them. That was the only instance of anything of the sort which had occurred, and there was not the least ground for saying that a corpse had ever been placed in the same bed with a living being. The House seeing, then, the character of Mr. Mott's report, he thought he might venture to express a hope that the next time that the right hon. Baronet at the head of the Government brought forward charges against any one, he would take the trouble of providing himself with a better foundation for his charges. Once more he must say that the statements of Mr. Mott were without the least foundation. The motion of the hon. Member for Rochdale had his entire approbation, and he should with great pleasure give it his support.

Mr *Aglionby* also supported the motion and denied that the limitation of the commission to one year would have the effect of leading people to think that the commissioners had lost the public confidence. The powers of the commissioners ought to be fully stated. It was morally certain, after the statement of the right hon. Gentleman, that the bill in all its details could not be carried this Session; therefore as far as the details were concerned, the bill was at an end for the present. But he had hoped that the House would have been enabled this Session to effect considerable alterations in its details, and if that had been the case he should have felt less repugnance to the continuance of the powers of the commissioners. Therefore, as there was no prospect of considering the bearing of the measure upon the condition and improvement of the poor, and taking into consideration the alarming state of starvation which large masses of the population were in, he thought it would be unwise to bestow large and unknown powers upon the commissioners for five years. He was not one of those who had joined in the outcry against the Poor-law Act, he thought that many of its provisions were good for the poor themselves. But at the time it was passed he objected to some of its details, and he had hoped that now there would have been an opportunity to alter those parts of it. His expectations for this Session, however, were at an end. He believed that the confidence of the country would be withdrawn if the continuance of the measure for five years were passed, and that considerable dissatisfaction would be engendered among those who were serving as guardians of the poor; and, therefore, it would be quite as well for the Government to fix the period at one year, and to take an assurance from the right hon. Baronet that at the first opportunity next Session a bill should be introduced with a full explanation of its details, and of all the powers that were to be vested in the commissioners. He should, therefore, vote for the continuance of the commission for one year.

Mr. *Hardy* said, he had formerly opposed the measure, and his opposition had not been diminished by the evils which had followed it, particularly in the north of England. It fact, it had grown to be one of the most unpopular measures there that had ever been passed. In the north of England before the bill passed, the poor were satisfied with the relief they received as well as with those who administered it, and if there was any dispute, there were justices on the spot by whom their disputes were amicably settled, so that all parties were satisfied. He preferred that the poor should be placed under guardians residing in their locality, rather than that of the Poor-law Commissioners. He should support the amendment of the hon. Member for Rochdale.

Sir *C. Napier* read some passages from

the report of Mr. Mott, of the state of the Keighley Union, and contended that its veracity had been unshaken, and that its contents were worthy of the most serious consideration. He regretted that the hon. Member for Knaresborough made assertions without proof, and then walked out of the House, with the intention he supposed of coming back to call all on his side a parcel of humbugs. If the term ought to be applied to any one most assuredly the hon. Member for Knaresborough was a humbug. [" Order."] Well, he was in order. He thought the continuance of the Poor-law Commission for five years quite unnecessary; but if their powers were restricted or subject to control he might perhaps agree to that period. It was quite clear that there had been a great neglect of duty with regard to the Keighley Union, or those evils of which complaint had been made could never have arisen. Therefore, as the Poor-law Commissioners and the assistant-commissioners had not done their duty in that and in other unions, he would suggest that the several unions shall be placed under one year's surveillance, and at the end of that period there would be an opportunity of judging whether or not the duties of the official persons were better performed.

Mr. *Liddell* hoped to hear no more about the Keighley and Bingley unions, until the committee with which the gallant Commodore was connected had made its report. It was his intention to give his support to the motion of the hon. Member for Rochdale. It was impossible that all the clauses of the bill, in their present shape, could pass in this Session, and therefore it would be much better to postpone the bill for one year, in order to enable the Government to reintroduce it in a more perfect and acceptable form. He did not deny that a central body was necessary, but as long as he perceived a disposition on the part of the commissioners to carry out the provisions of the bill in conformity with their own square and rule, in direct opposition to the views of others, he must protest against their continuance in power. If the commissioners acceded to the wishes of the ratepayers more often than they were disposed to do, many of the objections which he entertained to them would be removed. There was no comparison between the present Poor-law and that which had been in existence prior to its enactment. Under the present system the paupers were forced into the union workhouse as the only alternative against starvation. Great abuses were said to have existed in the workhouses under the old law, but this fact should never be lost sight of—that the poor who applied for relief were refused that relief unless they went into the union workhouse; they were thus forced in, which was not the case under the former system of Poor-law relief. That was an important point to keep in view in discussing the provisions of the Poor-law bill.

Mr. *Hawes* had, on previous occasions, when the Poor-law bill was under the consideration of Parliament, invariably extended toward it his support, on the ground that it was a measure which the circumstances of the country and the condition of the people rendered imperatively necessary. He saw nothing in the past working of the bill which had inclined him to change his opinions respecting its beneficial operation. The hon. Member who last addressed the House had said that under the present law the poor were "forced into the union workhouse." He did not think that the hon. Member was justified in using such an expression; it was not a very accurate mode of stating the case. He had heard from those who opposed the Poor-law bill much of the cruelties and hardships to which the inmates of the union workhouses were subjected under the present law. It was easy for hon. Members to declaim on this subject, and point out individual cases of hardship and apparent cruelty; but he should like to know what those hon. Gentlemen who so loudly denounced this law and the measure brought forward by the Government would like to substitute in its stead? He never heard any clear and well-defined plan brought forward in lieu of the law now in operation. When hon. Members who were violent in their opposition to the present law came to close quarters with those who supported it, it was found that their views were more in accordance with the Poor-law bill than would at first be supposed. The hon. Member for Durham had stated that if the feelings of the people were consulted with reference to carrying out the principle of the bill, he would not so much object to support it. He would ask the hon. Member to point out to him any one single document to prove that the Poor-law bill had been carried into effect in opposition to the feelings of the people. Hon. Members had talked of the abuses of the present law. What system of laws, however good they might be, abstractedly considered, were not liable to such a charge? Considering the extensive change which the Poor-law bill made,—considering the number of interests which it affected, and the mass of persons who were implicated in its operation, he was astonished that the abuses and defects of the law were not greater. He thought that the advantages of a central board of commissioners were great. To the poor themselves such an authority was likely to be productive of considerable benefit. It identified the interests of the poor with the board of commissioners and the Government of the country. The central body was also connected with the Government, and on that account all questions involving the state of those who were subjected to the operation of the Poor-law were brought immediately under the observation of the Government and the House. He would defy any hon. Member to point out any country in Europe where the wants, feelings, and interests of the poor were more consulted by public men than in this country under the present system of Poor-laws. A reference had been made to Scotland; but what was the condition of the poor of that country, where no Poor-laws like those existing in England were in operation? In many parts of Scotland a frightful state of destitution prevailed. Let hon. Members compare the state of the poor of this country with the poor of Scotland, and they would be obliged to admit that the Poor-law bill approached closely on the confines of perfection. This law had been designated as not only novel in its character, but as unconstitutional in its principle. He should like to know from those who used this language, what idea they really meant to convey. The law itself was not unconstitutional. Was it not an act of Parliament passed after due and deliberate consideration? The law gave certain powers to persons who were responsible to Parliament; they acted by the authority of the Legislature, and not on their own individual responsibility. He now came to the proposition of Government. He regretted that any circumstances should render it necessary to postpone the passing of the bill this Session. Was the bill to be abandoned after the House consented to a continuance of the board of commissioners for a period of five years? He could quite understand that it was impossible to pass a bill like that through the House at that period of the Session; but if the House consented to allow the commission to continue for five years, he did not see on wha ground hon. Members could offer any opposition to the remaining clauses of the bill, having passed the most important portion of it. He must again express his regret at the idea of the bill not being carried. He could not see any alteration, either in the Administrative part or spirit of the bill, when compared with the law now in operation. No material alteration was proposed; he did not, however, mean the House to infer that he should object to any modifications were such proposed. Much had been said of the dietary. It had been urged in opposition to the present mode of administering relief that no regular or uniform system had been pursued with reference to the diet of those in the union workhouses. But let those who were disposed to take this view of the case compare the physical condition of those in, with those out, of the workhouse. He did not hesitate to assert that the paupers in the workhouse were infinitely better fed, better clothed, and better taken care of in every respect than those who lived without the walls of such establishments. That fact could not be denied. Compare the condition of the poor now with what it was twenty years back, and hon. Members must arrive at the same conclusion. The improvements which had been introduced could not have been effected without having a central power. Such an authority was necessary; without it he could not conceive how the state could interfere in the matter. The hon. Member concluded by stating, that he was resolved to continue his adherence to the main principles of the bill; and if the right hon. Baronet was determined to pass his measure, he might rely upon his most cordial support.

Mr. *Borthwick* said, in denouncing the present bill as one cruel in its character, he did not wish to impute such feelings to hon. Members who supported it. He thought that it was of the utmost importance, at the present crisis, to extend to the poor the greatest protection. The security of the country depended upon our encouraging a healthy tone in the minds of the poorer classes of the community. He had no hesitation, keeping the principle in view, in fully considering the merits of the bill. He, like the hon. Member for Lambeth, had enjoyed opportunities of assisting in administering the Poor-law, both under the old and the new system, and he could inform the House, that in the district with which he was connected by representation, the rates had been doubled since the introduction of the new Poor-law; therefore, he could not say that the system was an economical one, and the more especially as, although the rates had been doubled, there had been a considerable decrease in the contentment of the poor. He considered it a very short-sighted legislation, that any Member should select any one particular district, and say that in that district, the law which was intended for the whole country, had worked well. Such a law applicable as it was to every class of her Majesty's subjects and to every spot in England, ought to receive the most careful consideration on general principles, and not in connexion with any particular locality. The question before the House was whether the commission should be continued for one or for five years. He had not the slightest hesitation in saying that his vote would be given in favour of the hon. Member for Rochdale, and he would give it with less hesitation, as the question was evidently considered without reference to party purposes; for many hon. Members on the opposite side of the House would oppose the motion and support the Government proposition, while, on the other hand, many of the supporters of the Government on this occasion would join him in voting for the motion of the hon. Member for Rochdale. One inducement for him to vote for the motion certainly was the argument of the hon. Member for Lambeth, who said if the House only granted the continuance of the commission for five years, then hon. Members might propose what amendments they thought proper. Surely that was a monstrous proposition; the House was called upon to fix the term of the commission definitely before they considered the powers that were to be granted to them; but that was not the only inconsistency into which the hon. Member for Lambeth had fallen, for in a later part of his speech, he said that after the Government had obtained the first few clauses of the bill, they would abandon the remainder for the present, and introduce another measure early in next Session. That appeared to him to be trifling with the House. The powers proposed to be continued to the commissioners were not only large, but wholly unconstitutional. The hon. Member for Lambeth said that no body or tribunal could be more amenable to public opinion than the Poor-law commission, and the way he made it out was this:—The commissioners were responsible to her Majesty's Government, the Government, he said, were responsible to that House, and that House, by its constitution, was responsible to public opinion. Now, that sort of reasoning still left the powers of Queen, Lords, and Commons in the hands of those commissioners, who were made responsible to public opinion in such a roundabout manner. Nothing could be more inconclusive than such an argument. and he, for one, would not vote for the continuance of the commission for one single hour, if it was at all practicable to carry on the new system without their superintendence. As he did not think so, he was disposed to vote for the shortest period to which their power could be limited. He could not justify, and therefore he would not use any violent language against any law, for the purpose of raising excitement against it; he never had done so, nor was he called upon to do it. He never had been required to give any pledge upon that or any other subject, nor had his constituents interfered with him upon it. Undoubtedly they had not concealed from him that the poor-rates had been doubled upon them, that the law caused much individual suffering, and that the poor were not so contented as before. All these things they had laid before him, but, like a patriotic body as they were, they said they did not wish to interfere with his vote—these were the results of the operation of the law in their locality; but if he found that it worked for the benefit of the country generally he was at perfect liberty to vote for it. He had no doubt whatever that the Gentlemen who were appointed to administer the law did so with ability and perfect honesty of purpose, the personal character of her Majesty's late Government was security enough for the personal character of those whom they had appointed to fill such a high situation, but he said, that no men whatever could properly administer so disjointed, so iniquitous a law: he did not therefore vote against the Gentlemen composing the commission, but against that part of the law itself. Was not the very principle of the law to invest with as much severity as possible all relief to the poor, in order to deter as far as they could the lazy and the idle from applying for it? That had been the avowed object of the bill on its first introduction; so that in fact the honest and industrious poor were made the warning beacons to deter the evil and the vicious from coming upon the poor-rate. He did not feel that that was the proper period for him to state his general objections to the bill, because he sincerely trusted the motion of the hon. Member for Rochdale would be carried, and then they would have an opportunity of revising the whole law in the ensuing Session. Her Majesty's Government on their accession to office claimed the confidence of the country for five months, while they considered and perfected their measures, one of which, and a most important one, was the Poor-law, After a lapse of that long period the present bill was presented as the concentrated wisdom of the Government, and yet the House was called upon to consider the whole of its provisions in little more than as many hours. He should feel that he was doing his duty by warmly supporting the motion of the hon. Member for Rochdale.

Mr. *C. Wood* said, it was not because he was indifferent to the importance of the subject that he had hitherto abstained from taking part in the discussion upon this bill; but he thought he was best performing his duty in giving a silent vote in its favour, as he entirely approved of the course the Government had taken upon it, and the declarations by which that course was upheld. Nothing could be more satisfactory. They adhered to all the main principles of the law while they proposed what they considered to be improvements in it. He was not a little astonished at many of the statements which had been made in the course of the debate. He had no wish to impute motives to any one, but certainly many of those statements were eminently calculated to deceive. The hon. Member for Durham spoke as if the workhouse test was rigorously applied from one end of England to another. It was no such thing; and he would venture to say, that the petitions from the West Riding of Yorkshire, to which allusion had been made, came from districts where the prohibitory order had never been promulgated. In that riding there were fourteen unions, embracing all the manufacturing districts, in not one of which had that order been issued. In four—viz., Doncaster, Poole, Selby, and Calne, all agricultural districts, it had been promulgated; and he could speak to its good effect in the union with which he was connected. He spoke in the presence of several of his brother guardians, and would fearlessly say, that it was impossible that any law could have worked better than it had done there. There the poor in the workhouse were better treated, they were better lodged, better clothed, and better fed than the ordinary class of the labouring poor around them. The allowance to the deserving poor had been increased, the attention of the medical men to them was much improved, the workhouse test had been fairly tried, to the great benefit of the deserving poor, and to the exclusion of those who were not fair objects of charity. The cost to the union was a little more per head, but there was also a considerable reduction of rates in the union. He said this distinctly and without fear, because a most rigorous investigation had been made, and the result was as he had mentioned—the law had worked admirably. He considered that the workhouse test might, in ordinary circumstances, be fairly and properly applied; but he was not prepared to say, and he never had said, that it was possible to apply it in all places, and under all circumstances. He thought it was essentially necessary to continue the existence of the commission; that the commissioners might, in the exercise of a sound discretion, relax the application of that rule under circumstances in which it was never intended to be, and in which it never could be, applied. No one could support the workhouse test more strongly than he did; but he admitted that it was impossible to apply that test in the manufacturing districts, and especially in the West Riding of Yorkshire, while the present distress existed. He believed that if a strict, unbending, and invariable rule was laid down for the administration of relief, one of these results would follow,—either they would induce a state of things similar to that which existed before the adoption of the Poor-law Amendment Bill, the greatest abuses prevailing in one part of the kingdom while the law was well administered in other districts, or by laying down a strict undeviating rule they would be unable to meet the varying circumstances and phrases of the country. An unvarying rule was laid down previously to the passing of the Amendment Bill, and throughout a great portion of the south of England the law was administered most mischievously, to the degradation of the poor; but he believed hon. Gentlemen acquainted with those districts would testify that by the administration of the present law under the control of the commissioners the condition of the people had been greatly improved. It had been boasted that the north of England was entirely exempt from these abuses; but he thought, from facts which had come under his notice, that there was little reason for that boast, and that the administration of the Poor-law in the north of England was not free from abuse. He strongly approved of the substitution of boards of guardians for overseers. The overseers were generally ignorant, and often interested parties. The boards of guardians embraced, frequently, the most respectable and intelligent persons in the district; but still he would not assert that the guardians ought to be uncontrolled. He might refer to the abuses existing in the Keighley Union, which had recently been brought under the notice of the House. The hon. Member for Knaresborough (Mr. Ferrand) was the chairman of that union, and was resident but a short distance from Keighley; and if such abuses could exist under the eye of the chairman, this fact alone afforded sufficient proof of the absolute necessity for the exercise of some control over the boards of guardians. The hon. and gallant Member for Marylebone had said that the commissioners had not gone far enough in compelling the boards of guardians to obey their directions; but he thought that the argument of the hon. and gallant Member showed that, instead of the powers of the commissioners being restricted, increased powers ought to be given them, to enable them to remove such abuses as had existed in the Keighley Union. The question now before the House was the continuance of the commission. He did not agree with those hon. Gentlemen who wished to shorten the duration of the commission; for he believed that, if the commission were now continued for five years, at the end of that time the necessity for its continuance would be as strong as it was at the present moment. He was fully prepared to say that he considered the commission ought to be permanent. He was not afraid of stating his opinion. He considered that the boards of guardians required control. The Keighley board of guardians had now been in existence four or five years; they had certainly not discharged their duty hitherto, and he believed, without more efficient control over their actions than now existed, they would not perform it properly. He thought the discussion in that House, year after year, of the existence of the commission, produced a most injurious effect as regarded the operation of the law. Such discussions tended to diminish the authority of the commissioners, and threw obstacles in their way in the exercise of those powers which he believed it was necessary they should possess for the due administration of the law. He conceived one of the best effects of the present law to be this—that public attention had been called to the administration of the Poor-law from one end of England to the other, and abuses which, under the old law, would have passed unnoticed, were discovered and exposed; and he might add, that many of those abuses would not have been detected but for the vigilance of the Poor-law commissioners. What would have been known of the abuses which existed in the Keighley Union but for the report of Mr. Mott and Sir J. Walsham? He hoped the exposure which had taken place with reference to that union would lead the guardians to discharge their duty properly. But as to the continuance of the commission, the commissioners had introduced great improvements, and had adopted most beneficial regulations with respect to the administration of relief; and as it was necessary, under certain circumstances, to relax regulations which might be too stringent, he thought the discretion of making those relaxations could not be placed in better hands than in those of the commissioners themselves. The discretion must be vested somewhere; he did not know in whom it could be better vested than in the commissioners, and he would gladly support the continuance of the commission for a period of at least five years. He would now only refer for a moment to the statements which had been made with respect to the subsequent clauses of the bill. He understood the right hon. Baronet (Sir J. Graham) to say that, in the event of the first five clauses being adopted, his conduct with regard to the remaining clauses would depend upon the degree of opposition which they encountered. He would be glad to see some of those clauses passed—nay, he would say that he wished to see them all adopted, for he considered their tendency was to effect improvements in the present law. He hoped the right hon. Baronet would carry as many of these clauses as he had an opportunity of doing; but, whether these clauses were adopted or not, he considered it most important that the commission should be continued.

Viscount *Sandon* said, the hon. Gentleman who had just addressed the House had stated that in his opinion the commission ought to be perpetual. If the power of the commissioners were restrained to mere supervision and reporting, without determining the application of the law to different districts, he might be of the same opinion, and might deem the continuance of the commission not only desirable, but essential. He did not admit, however, that for conducting efficient supervision it was necessary that a board should be constituted, sitting in London, which should determine how the law should be applied in different parts of the country. The power of the commissioners was not confined to minor affairs, it extended to important points; for they determined whether the workhouse test should be applied in particular parishes, or whether relief should be given to the poor out of the workhouse. It rested, therefore, with the Poor-law commissioners to decide whether a different regulation should exist with regard to the administration of the Poor-law in different, but adjacent parishes. He did not object to the continuance of the commission; he objected to the arbitrary power and the large discretion given to the commissioners, and he thought the only guarantee for the proper exercise of such power was to be found in the constant control of their actions. It had been said that it was ridiculous to suppose that the workhouse test was intended by the Poor-law to be of universal application. Until within the last two or three years, however, it was admitted that the workhouse test was the principle of the Poor-law; but since the sense of the country had been so decidedly manifested against this principle, the supporters of the bill had withdrawn the assertion. In one of the reports of the commissioners they stated that the intention of gradually withholding out-door relief from the able-bodied paupers was declared in so explicit and unambiguous a manner in the bill, that no option was left to the commissioners as to the course they pursued. This showed that the commissioners considered it the intention of the Poor-law that this test should be applied, and they considered that they were bound to carry out the principle. It was the knowledge of this fact which kept up the agitation in the country on this question; and till it was declared by the Legislature that it was not the principle of the Poor-law that relief should always be refused to able-bodied persons, except in the workhouse, the apprehensions of the people would not be allayed. It was impossible, where large masses of the population were deprived of employment by the bankruptcy of a mill-owner, or other circumstances, that the workhouse test could be applied. His hon. Friend who had last spoken had admitted that the workhouse test was inapplicable in the manufacturing districts, and especially in the county with which his hon. Friend was connected; and a similar admission had been made during the recent debates on this subject by the right hon. Baronet. He wished, however, that this principle, which now appeared to be so generally admitted, should receive the sanction of the House. It was his opinion that, as such extensive powers and such large discretion were vested in the commissioners, their tenure of office should be as limited as possible; for it was only by that means that their power could be restrained within proper bounds. He would, therefore, give his support to the amendment of the hon. Member for Rochdale.

Sir *J. Graham* said, that this was the fifth evening on which this question had been under discussion, and as yet very little progress had been made. He conceived, that after the observations of his noble Friend, he could not remain silent. He thought the arguments of his noble Friend amounted to a total condemnation of the commission, and he could not understand how his noble Friend, entertaining the opinions he had expressed, could consent to renew the powers of the commissioners even for a single year. The noble Lord objected to the discretionary power vested in the commissioners. It appeared to him (Sir J. Graham) that there was no ground for the assertion, that the commissioners were irresponsible for the exercise of that discretion. They had a large discretion, but he contended, that they were strictly responsible. He entirely adopted the opinion of the hon. Member for Lambeth, that so far from the commissioners exercising irresponsible discretion, he did not think any power exercised in the state at this moment was subject to more close investigation, to more constant scrutiny, or to more jealous supervision. The commissioners were removable at the pleasure of the Ministers of the Crown, and those Ministers in their places in the representative assembly were responsible for the acts of the commissioners. Was there an abuse? A question was immediately asked in that House—Ministers were put to the question—does such an abuse exist in such an union? and an inquiry was instantly made as to some imperfection in the diet, or as to some workhouse being overcrowded. There was no state, however free its institutions, where practically the sufferings of the destitute classes, relievable under a Poor-law, administered as this law now was, were so constantly watched and alleviated, or so much protected, as by this law. Two reports had been presented to the House by the commissioners, the facts had been disputed by the hon. Member for Knaresborough, and a committee had been appointed to inquire into them. The committee was the tribunal before which to prove these facts. The hon. and gallant Commodore had told them what the proof had been before that committee. The House would remember the assertions repeated that night, that the reports of Mr. Mott and Sir J. Walsham were scandalous and unfounded, and the report of the committee would show whether those assertions were correct or not. His noble Friend, the Member for Liverpool, had stated, that the workhouse test was universal. [Lord *Sandon:* I said the principle of the bill was the application of the test.] Though the test was universally admissible in its application, it was practically under the control of the commission; and if his noble Friend were of opinion, that a large discretion ought not to be vested in this commission, he (Sir J. Graham) repeated his assertion, that entertaining that opinion, his noble Friend ought not to vote for the continuance of the commission for one day, for he (Sir J. Graham) maintained, that without that discretion, the office of the commissioners was a sinecure, and worse than useless. He would point out the advantage during the last three weeks of this discretionary power. In unions where distress generally prevailed, the commissioners had thought it expedient to withdraw the prohibitory order against out-door relief, and within the last three weeks this order in such cases had been withdrawn; and they were even of opinion, and had acted upon it in some cases, that the out-door labour test should be withdrawn in the present circumstances of the country, and that relief might be fully administered at the will of the guardians. Here was a principle adapting itself to various circumstances, with a degree of pliability which no law could possibly possess. What the hon. Member for Halifax had asserted was perfectly true. This dilemma presented itself: if by specific enactment you endeavour to provide for all cases, you will omit some, your law will be defective, and injustice will be done; if your enactment be vague and indefinite, it will be inefficient and will be evaded, and all the evils of the old abuses will return upon you. The hon. Member for North Durham had not only asserted, in common with the noble Lord (Lord Sandon), that this prohibition of relief except in the workhouse was a general rule, but he should almost imagine from his statement, that out-door relief was the exception, and that in-door relief was the rule. He stated on a former evening, that no less a portion of the community than 1,300,000 persons had received relief in the quarter ending Lady-day, 1841. Now, as to this general principle of relief in the workhouse, to the exclusion of out-door relief; out of this large number of persons relieved, what proportion did the noble Lord believe had received relief under the stringent order of admission into the workhouse? 192,000 persons had been relieved in the workhouse, and 1,108,000 had been relieved out of it. Out of 1,300,000 persons receiving relief during that period, only 192,000 persons had been relieved in the workhouse. And here he might, perhaps, be able to make a statement to the House relative to what was said on a former evening, as to the extent of distress which the relief of this number of persons proved. He had obtained a return, carefully prepared from Parliamentary documents, showing the numbers that had received parish relief in the year 1803, in the year 1815, and in the last year, 1841. He had taken those years because there were Parliamentary returns for those years which showed the precise number of the whole population and of the numbers receiving relief during those periods; he, therefore, had the means of instituting a strict and accurate comparison with reference to the whole of the population that received relief in those years as compared with 1841. The population in 1803 was 8,872,000; the total number of persons receiving relief at that period was 1,040,000, or 12 per cent. on the whole population. In 1815 the whole population was 10,150,000, and the whole number of persons relieved was 1,319,000, or 13 per cent. on the whole population. In 1841, the whole population had risen to 15,900,000, and the whole number of persons relieved from Lady-day quarter, 1841, was 1,300,000, or 8 per cent. on the whole population. Therefore, although, in 1815, the population was only as 10,000,000 to 15,000,000 in 1841, yet the gross population receiving relief was in 1815 greater than 1841. He made this statement in the hope that the House would be relieved from apprehension, and that it might allay any feeling of sorrow as to the state of the country which might exist from the statement of the number of persons who had been relieved. The hon. Member for North Durham had stated, that the workhouse test was quite new. He (Sir J. Graham) had stated on a former evening that, so far from being new, it was the law of the land for the greater part of the last century—from the early part of the reign of George 1st to 1796. During the greater part of the last century it was the law of the land and the rule of relief. In the first place, the hon. Member had fallen into the error that in-door relief was the universal rule under the New Poor-law. Then came the other assertion, that this system of relief was unknown before to the law of England. He (Sir J. Graham) had proved the reverse to be the case. But he had been more astonished still at the assertion of his hon. Friend, the Member for Bradford, when he said, that an unhappy pauper had to apply for relief 200 miles off. In each union there were four sources of relief for the poor; they could apply first to the relieving officer, then to the board of guardians, in the case of emergency they might apply to the overseer, and in the case of sickness they might apply to the resident magistrate. So far, then, from being obliged to apply to the commissioners at Somerset-house 200 or 300 miles off, in every union there were, as he had shown, four sources of relief. His hon. Friend said, the poor man might be refused relief. Why, if the relieving-officer refused relief, or if the overseer refused it, the applicant had a direct appeal to the board of guardians, and if they did not do him justice he might state his case and complain to the assistant-commissioner, and even to the board itself. It was said, that the law and the office of the board of guardians was to protect the rate-payers. He knew, that such was not the case, and that the board of guardians did not so regard their duty. He had a vote of thanks before him, passed by the local committee for relieving distress in the manufacturing district of Burnley to Sir J. Walsham, when he left that district, about a fortnight ago. The committee stated, that they could not but deeply regret the departure of the commissioner and being deprived of his valuable counsel and experience, and they more particularly dwelt on his having, by the introduction of a better system of management, secured an adequate amount of relief to the really necessitous. He (Sir J. Graham) spoke from confident knowledge, that Sir J. Walsham, amidst great difficulties in that particular union, not only had obtained the thanks of the board of guardians, but had won the gratitude and good opinion of the great body of the poor. The hon. Member for Cockermouth had objected to the collocation of the clauses of the bill, on the ground of the extension of the term of the commission preceding the enactment of the powers of the commission. If the hon. Member referred to the original enactment, he would find, that the clauses conferring the powers on the commission followed, and did not precede the clause which fixed the term of their duration of the commission. The powers of the commissioners were strictly defined and known; and the question really resolved itself into this,—was the commission so composed as to command the confidence of the House; were the powers as they stood, partly on statute, and partly on the general orders, such, that upon the whole any doubt could be entertained as to the policy of maintaining this commission? He (Sir J. Graham) entertained the strongest opinion, that in the present circumstances of the country it was prudent to continue the central control of this commission. He did not think their powers would be exercised to the full benefit of the community if only of annual duration. He was perfectly willing and anxious to discuss the various provisions of this bill if the House would allow it to proceed in committee, without further opposition. Various opportunities would present themselves of checking the further progress of the bill; but, on the whole, he was of opinion, that to shorten, for any period, the proposed term of this commission would be in the highest degree impolitic and imprudent.

Sir *B. Hall* said, a statement had been made, that the children and girls in the workhouse of the parish of St. Pancras were not classified, that prostitutes were admitted amongst the girls generally, who were decoyed by them away, and that the young girls soon became as vicious as the elder ones, which was perfectly correct—all those abuses did exist; but when? When the select vestries were in operation, and before the rate-payers had the opportunity of controlling the management. It was very true, that all those evils used to obtain in that parish, but that was no longer the case. Another point was the mismanagement of the children; but the abuses respecting them no longer existed, the children being now, in every respect, properly taken care of,—so that there was no reason for the commissioners being introduced into the borough and exercising their authority there. As he had done formerly, so he should on this occasion, vote against the continuance of the commission for five years.

Mr. *Trotter* wished to state to the House the reasons why he voted for the bill. He had sent copies of it to every union in West Surrey, and he had not received a single objection from any of them. As far, therefore, as regarded the first clause, he thought it was his duty to his constituents to vote for it. With regard to the other clauses, he reserved his opinion. That opinion it would be for him to express hereafter. Not having received any expression from his constituents contrary to the duration which was proposed by the Government for the commission, he felt bound to vote for it. He would not, on any account, wish to see this question agitated year by year.

General *Johnson* disapproved of this law in every branch of it. He did not see how persons residing in London could be better judges of what was fit to be given to paupers than persons who were locally acquainted with their situation. The right hon. Baronet talked of appealing to the assistant-commissioners; but he did not know where the assistant-commissioners were to be found. They were very frequently not seen in a union for three or four months. He could not conceive, therefore, that this could be a very efficient appeal for the pauper, and he could not, therefore, think that the right hon. Baronet was serious in saying what he did on this point. As to the power of the magistrates to grant relief in cases of sickness, it was conferred in the most vague way that could be conceived. If the commissioners residing in London, who could not, as it was, be controlled by law, instead of making regulations so intermixed with the law that it was impossible to tell which was the law and which the regulation, were subjected to some specific enactments, he thought it would be much better, supposing there was to be a commission at all. The out-door test had been much spoken of, and the House had been told that the commissioners in London were judges where the test was to be put in practice, and where not. But from whom did they receive their information, or rather, he conceived, the recommendation that the test was proper to be carried into effect or not? Why, from the board of guardians, most probably. Now, he conceived that the board of guardians were far better judges of the necessity, and far better adapted to carry out the test as they saw fit, than the commissioners in London could be. Then, why were the agricultural districts placed on a different footing from the manufacturing? In fact, the whole system of the commissioners had been changed of late, and changed because they found it impracticable. ["Hear, hear."] Yes, they found it impossible, and therefore it was abandoned; but if the system was abandoned, why were the Government desirous to disturb those parts of the country which were under Gilbert's Act, which was allowed on all hands to be acting well; and why put them under the management of persons who could never give them the same satisfaction as the present administration of their affairs? As long as some show of uniformity was kept up there might be some pretence for invading these unions, but as uniformity was abandoned, he could not see why the Gilbert Unions should be interfered with; and he could not see why the Ministers should be so anxious to press this measure, which would make them more unpopular than any other measure that they could have devised.

Mr. *Buck* had great pleasure in expressing his full concurrence with all that had fallen from the noble Lord near him (Lord Sandon). With respect to the assistant-commissioners, he had voted the other night for abolishing them, and he thought that much of the evil that existed had arisen from their uncalled-for interference. The hon. Member then proceeded to state that one of the assistant-commissioners had summoned a respectable magistrate to appear at Guildford before him for presiding at a meeting where the Poor-law was discussed; that the magistrate had consulted his attorney, who told him that he would be guilty of a misdemeanour if he did not go; that he went to Guildford, where the assistant-commissioner kept him waiting a whole day, refused to to allow his legal adviser to be present, cross-examined him in every way, and then refused him a copy of the depositions. So long then as he conceived that the bill contained these and other powers which he objected to, he should not consent to continue the commission any longer than was absolutely necessary, and therefore he should vote for the shortest period of its duration.

Captain *Pechell* said, that after all the assurances of the right hon. Baronet (Sir J. Graham) on bringing in this bill, and the confident tone in which he made them, he thought it his duty to proceed in the same manner with respect to it as if it were in the same condition as when the right hon. Baronet laid it on the Table. He warned the right hon. Baronet not to take the advice of the hon. Member for Lambeth; the right hon. Baronet ought to be very suspicious of advice coming from the Opposition side of the House. The right hon. Baronet, on the last occasion this bill was before the House, had read a letter to show that the feeling of one part of the country was entirely in favour of this bill. That letter was produced as an answer to some observations of his as to the towns which were at present under local acts, and which did not wish to be governed by this bill. The right hon. Baronet for this purpose had obtained this letter from a deputy's deputy, a clerk of the board of guardians of the city of Chester; and the right hon. Baronet read it as evidence that Chester at least differed in opinion as to this law from the rest of the kingdom. The hon. and gallant Member read the letter, in which the writer stated that he enclosed the circular from the Brighton guardians, in order to show the sort of machinery which had been adopted in order to get up an opposition to the Poor-law Bill in places governed by local acts. Chester, though under a local act, did not oppose the bill; they only objected to being united with agricultural districts, which was provided against in the bill. This was what the right hon. Baronet had hoped would be satisfactory to him. He did not think it at all satisfactory, and if the clerk had had authority from the board of guardians for writing this (which he had not), all he should have said was, that the board of guardians were not competent to manage their own affairs. He had presented a petition that evening, stating that the clerk was not authorized by the board of guardians to write this letter. It was true that the present chairman of the board was favourable to the bill; but then he had pledged himself to maintain the local act. The Brighton vestry, it was true, had written a circular letter to various towns that were under local acts, and since the right hon. Baronet had refused to see the deputies from the different towns having local acts, he would read to the right hon. Baronet and the House the letters he held in his hand from several towns under local acts. The hon. and gallant Member read letters from Devonport, Norwich, Plymouth, Oxford, and Chichester, all agreeing in condemning the proposed extension of the powers of the commissioners to the towns under local acts, and expressing their desire to remain as they were. The right hon. Gentleman said, that no opposition had been shown by the different towns, and that few or no petitions had been sent against the bill. Now, what said Bristol, Canterbury, Coventry, and a host of other towns in their respective answers to the document alluded to? Bristol declared it would petition; Coventry had forwarded a petition to its Members, and had extorted from them a promise of opposition to the bill; at Canterbury an extraordinary meeting of the board of guardians was to be held, at which the Brighton letter was to be considered. Birmingham had intrusted a petition to its Members, and boasted that one of them had amendments to propose to the bill. Finsbury—they might guess what they would do there—said that it would instruct its Members. Montgomery and Poole sent word that the rate-payers deprecated change. Shoreditch had the subject in consideration; and St. Pancras had sent up a petition, and appointed a committee of the vestry to watch the progress of the bill. After these opinions, expressed by the inhabitants of towns all acting in concert, it was clear that very great fears were entertained upon this subject. No doubt most of the places he had mentioned were at present exempt from the control of the Poor-law commissioners, but the decision of Lord Denman had frightened and aroused the inhabitants, and it could create no surprise if they used every means in their power to secure a modification of the bill. In fact, unless the clause of the hon. Member for Sussex were adopted, there would be, he considered, no security whatever: and for himself, he would say, that so long as he saw the slightest disposition to abolish the Gilbert Unions, he should consider that there was no other way of dealing with the question than to vote against the continuance of the power of the commission. The Government had better decide at once what course they would take on this point. Delay in expressing their intention would only protract the discussion; therefore, he should recommend that even before the House separated that night they should tell them what they intended to do.

Mr. *Aglionby* said, that with perhaps, the exception of the debate on the people's distress, nothing had come before the House this Session nearly so important as the subject now under discussion. He did not know, however, that he should have troubled the House with any observations if it had not been for the course the debate had taken. The question seemed now to be as to the expediency of granting the commissioners the power of giving or refusing to give an authority to administer out-door relief to the poor. The right hon. Baronet's argument on this subject to night was certainly opposed to his line of reasoning on former occasions. He would beg the attention of the House for a few moments to what had been said in a former debate upon this subject. On the 20th of July, 1839, on the motion of the noble Lord the Member for London for continuing the Poor-law commission for two years, the hon. Member for East Sussex said:—

> "That the noble Lord opposite had not dealt fairly with the House in this matter. They had the noble Lord's distinct admission that some portions of this act required amendment, and now, without any suggestion of amendment, the noble Lord proposed that the act be continued in force for a period of two years. Where was the consistency or the justice of this course?"

He did not know how the hon. Member, after having so expressed himself, could now vote for the proposition of the present Government, which, without any amendment of the act as regarded the discretion of granting out-door relief, went to continue the commission for five years; and he thought he had a right to assume that the hon. Member would vote with those who were for continuing the commission for one year only. What said the right hon. Baronet the Paymaster of the Forces on that occasion?

> "In the motion which had been submitted to the House by his hon. Friend the Member for East Sussex he fully concurred. The question was simply nothing more nor less than this—were the board of guardians to be intrusted with any discretionary power of giving out-door relief or were they not? He perfectly well understood why the power was withheld when the Poor-law Amendment Act was first introduced, and when the Government was, perhaps, justified in considering it necessary to pass a measure of an arbitrary kind. But that necessity, if so it might be called, no longer existed, and experience had shown them that that principle might be relaxed."

The right hon. Gentleman then went on to say, that

> "He would ask hon. Gentlemen who were conversant with the subject, whether cases were not constantly occurring on which there could be no second opinion as to the propriety of permitting the board of guardians to afford relief upon their own discretion? Nay, were not cases daily submitted to the Poor-law guardians, in which they took upon themselves the responsibility of giving relief contrary to the law? Nobody knew exactly how it was given, but given it was."

The right hon. Baronet the Secretary of State for the Home Department

> "Confessed he felt considerable difficulty in making up his mind as to the course he should pursue; and if the noble Lord had stated positively that he should be prepared to resist,

next Session, the amendments which might be proposed, he should have voted against him."

The right hon. Baronet went on to say,

> "The law contemplated, that on a given day the refusal of out-door relief throughout England and Wales should be general. When the commissioners of Somerset-house came practically to consider the prudence of carrying out this regulation, the inquiries they made and the experience they had acquired taught them the impossibility of giving general effect to the law. Uniformity was desirable. This rule prohibiting the administration of out-door relief, so far from being general throughout England, was, he must say, somewhat capriciously applied. It was applied to certain unions in the south, but in the north the rule was not in operation. In Cumberland, in the union of which he was chairman, they were bound by no such regulation. An ample discretion was left them; they were not fettered in the least, and if they had not been left to the exercise of this unfettered discretion, he was bound to say he should not have held himself responsible, during the last winter, for the conduct of that union."

He was anxious that the sole and entire control and relief to be given in parishes should not be given to the Poor-law commissioners. He thought it would be a great mitigation of the evil if those acquainted with the wants of the poor should have some power in their own unions. That was the amendment which he hoped to see effected in the bill. But was he, he would ask, in the absence of it, to vote for the continuance of the commission for five years, objected to on a former occasion by the hon. Member for East Sussex, the Paymaster of the Forces, and by the right hon. Baronet the Secretary of State for the Home Department, who had told the House that if there had not been a full discretion left to the board of guardians, he would not be responsible in his own union? The right hon. Baronet, however, voted against the motion of the hon. Member for East Sussex: but the right hon. Baronet the Paymaster of the Forces voted with him, and he hoped he would now vote with those who supported the amendment. He did not object to the general principles of the Poor-law Bill. He thought it was necessary to make a clear distinction between the honest and industrious poor and the dissolute and idle. But he, at the time it was proposed, felt that its provisions were hard, and he now felt that they had been harshly carried out. In the present state of the country, more particularly, he conceived that they ought to be mitigated. If they were, he should have no objection to the continuance of the commission for a longer period than was now proposed on his side of the House.

Mr. *Kemble*, like the hon. Member for West Surrey, had received no communications from his constituents on this subject. If he had he should have given them his best attention, but at the same time he felt it to be the duty of a representative of the people to look to what he considered the general good of the country, and not to the interests of particular individuals. He would vote on this occasion as he had voted last Session. He confessed he had heard with much surprise that evening some observations which he considered inconsistent with the great principle of the Poor-law. That principle he considered to be, that the accommodation within workhouses should be inferior to that which the honest, industrious, and independent labourers enjoyed out of it. But the hon. Members for Halifax and Lambeth asserted, that the able-bodied poor in workhouses were better fed and clothed, and more comfortable, than the labourer was out of it. This did not look as if the great principle of the Poor-law had been carried out. The opinion of the right hon. Baronet he thought at variance with those of the commissioners. The right hon. Baronet read from their last report that they conceived it was the intention of Parliament that no relief should be given to the able-bodied out of the workhouse, and yet a statement was made by the right hon. Baronet to show how much larger a proportion of relief was given to those out of the workhouse than in it. The simple question now, however, was, as to the continuance of the commission for five years, or a shorter period; and he confessed that he had heard no argument in favour of five years that might not be equally applied to its continuance in perpetuity. He thought the time was now arrived when it would be more honest and straightforward for the House to say that the Poor-law commission should continue in perpetuity than for five or six years. It was really marvellous how those who called themselves "Liberals" could vote for a measure which continued the most arbitrary authorities—authorities not more justifiable as regarded the poor, than they would be in reference to municipal or any other rights of Englishmen. Was it in unison with the principles of the constitution, that commissioners should have the power, virtually, of making laws? A great deal was said about "constant supervision of Parliament;" but no practical good resulted from the presentation of the huge annual "reports." He was not unwilling, he firmly declared, to leave the people of this country that local self-control to which, he believed, they were entitled. There might be some tendency to abuse: but that must be very much counteracted by the entire demolition of the old small parish system; and he was persuaded that the vesting in the guardians the discretionary management of relief would have a tendency to prevent abuse. Moreover, the fact was undeniable that only by winking at the partial exercise of this discretion was the act carried out at all. On these grounds he should support the amendment, for though he would have been prepared to accede to a continuation of the commission for three years, he could not agree to its continuance for six, believing that equivalent to its perpetuation, and being of opinion that it was essentially unconstitutional and injurious.

Mr. *Muntz* deemed it his duty to act on his conviction of what was right, whatever might be the opinions of his constituents. On this subject, however, happily, he went hand in hand with them. The per-centage of those who supported this odious and unnatural measure was so exceedingly small as to be worth no consideration. He did not know which part of the bill first to deprecate: that was his sole difficulty. Of course, then, he should vote for the amendment. He could not help expressing his surprise that the hon. Member for Surrey should have concluded a speech directed against the unconstitutional character of the commission by declaring his readiness to vote for a three years continuance of it. That surely was strangely inconsistent. The right hon. Baronet had drawn a comparison as to the alleged saving of poor-rates between the period after the most devastating of our European wars and a period following twenty-five yeare of profound peace. That was certainly not much in favour of the Poor-law. One thing remarkable was, that for twenty years after the peace nobody complained of the poor-rates; then, all at once, the idea was started of the nation being devoured by the rates, and since that time legislation on the subject had been conducted on the most unnatural principles. Paupers, whether in or out of the workhouse, were not fed as men ought to be fed. That, however, was only a part of the evil. It unhappily was too apparent that the class of people who now received relief was very different from those who formerly received relief; and it would be found, when the prosperity of the country returned (as soon it must, or else the country could not go on at all), that causes deeper than were imagined lay at the root of that severity with which not poor-rates only, but all rates and taxes, had of late years pressed on the people.

The committee divided on the question that the words "31st day of July, 1847," be inserted:—Ayes 164; Noes 92: Majority 72.

List of the AYES.

A'Court, Capt.
Alford, Visct.
Allix, J. P.
Antrobus, E.
Bailey, J.
Baillie, Col.
Baird, W.
Baring, hon. W. B.
Barrington, Visct.
Beresford, Major
Bernal, R.
Blackburne, J. I.
Boldero, H. G.
Botfield, B.
Bramston, T. W.
Browne, hon. W.
Bruce, Lord E.
Buller, C.
Burrell, Sir C. M.
Byng, G.
Carew, hon. R. S.
Cartwright, W. R.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Chute, W. L. W.
Clay, Sir W.
Clerk, Sir G.
Clive, E. B.
Cockburn, rt.hn. SirG.
Colborne, hn. W.N.R.
Collett, W. R.
Corry, rt. hn. H.
Courtenay, Lord
Cripps, W.
Damer, hon. Col.
Darby, G.
Duncan, G.
Duncombe, hon. A.
East, J. B.
Ebrington, Visct.
Eliot, Lord
Elphinstone, H.
Estcourt, T. G. B.
Evans, W.
Fielden, W.
Fleming, J. W.
Flower, Sir J.
Forbes, W.
Fox, C. R.
Fuller, A. E.
Gaskell, J. M.
Gill, T.
Gladstone, rt.hn.W.E.
Gordon, hon. Capt.
Gordon, Lord F.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greenaway, C.
Grey, rt. hon. Sir G.
Grimston, Visct.
Hamilton, W. J.
Harcourt, G. G.
Hardinge, rt.hn. SirH.
Hawes, B.
Hayes, Sir E.
Heathcote, Sir W.
Herbert, hon. S.
Hill, Lord M.
Hogg, J. W.
Holmes, hn. W. A'Ct.
Hope, hon. C.
Howard, P. H.
Howick, Visct.
Hughes, W. B.
Hussey, T.
Hutt, W.
Jackson, J. D.
Jermyn, Earl
Jolliffe, Sir W. G. H.
Knatchbull,rt.hn.SirE.
Knight, H. G.
Labouchere, rt. hn. H.

Lambton, H.
Lascelles, hon. W. S.
Lawson, A.
Lefroy, A.
Legh, G. C.
Lennox, Lord A.
Lincoln, Earl of
Litton, E.
Lockhart, W.
Lyall, G.
Mackenzie, W. F.
Mainwaring, T.
Manners, Lord C. S.
March, Earl of
Marshall, W.
Marsham, Visct.
Meynell, Capt.
Mitchell, T. A.
Mordaunt, Sir J.
Morgan, O.
Morison, Gen.
Nicholl, rt. hn. J.
Norreys, Lord
Norreys, Sir D. J.
Northland, Visct.
Paget, Col.
Pakington, J. S.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Pollock, Sir F.
Praed, W. T.
Pringle, A.
Pulsford, R.
Rice, E. R.
Rose, rt. hon. Sir G.
Rushbrooke, Col.
Russell, Lord J.
Russell, C.
Russell, J. D. W.
Ryder, hon. G. D.
Sanderson, R.
Scarlett, hon. R. C.
Scott, hon. F.
Seymour, Sir H. B.
Sheppard, T.
Smith, A.
Smith, rt. hon. R. V.
Somerset, Lord G.
Stanley, Lord
Stuart, Lord J.
Stuart, H.
Strutt, E.
Sturt, H. C.
Sutton, hon. H. M.
Tancred, H. W.
Thornely, T.
Trench, Sir F. W.
Trevor, hon. G. R.
Trollope, Sir J.
Trotter, J.
Tufnell, H.
Tyrell, Sir J. T.
Vane, Lord H.
Vere, Sir C. B.
Vernon, G. H.
Vesey, hon. T.
Waddington, H. S.
Walsh, Sir J. B.
Ward, H. G.
Wawn, J. T.
Wilshere, W.
Wood, C.
Wood, Col. T.
Wood, G. W.
Worsley, Lord
Wrightson, W. B.
Wynn, Sir W. W.
Yorke, hon. E. T.
Young, J.

TELLERS.
Fremantle, Sir T.
Baring, H.

List of the NOES

Aglionby, H. A.
Ainsworth, P.
Aldam, W.
Arkwright, G.
Bagge, W.
Baskerville, T. B. M.
Beckett, W.
Blackstone, W. S.
Blake, M.
Borthwick, P.
Bowring, Dr.
Brocklehurst, J.
Brotherton, J.
Brownrigg, J. S.
Buck, L. W.
Buckley, E.
Buller, Sir J. Y.
Burroughes, H. N.
Busfeild, W.
Cardwell, E.
Chetwode, Sir J.
Cochrane, A.
Collins, W.
Colville, C. R.
Corbally, M. E.
Cresswell, B.
Curteis, H. B.
Dawnay, hon. W. H.
Denison, E. B.
Dick, Q.
Dodd, G.
Douglas, Sir H.
Duncombe, T.
Eaton, R. J.
Egerton, W. T.
Escott, B.
Ferguson, Sir R. A.
Fielden, J.
Fitzroy, hon. H.
Gladstone, T.
Gore, M.
Gore, W. O.
Grant, Sir A. C.
Grimsditch, T.
Halford, H.
Hall, Sir B.
Hanmer, Sir J.
Hardy, J.
Heathcoat, J.
Henley, J. W.
Hervey, Lord A.
Hindley, C.
Hodgson, F.
Hodgson, R.
Hollond, R.
Hornby, J.
Humphery, Ald.
Johnson, Gen.
Kemble, H.
Liddell, hon. H. T.
Lowther, J. H.
Lowther, hon. Col.
M' Taggart, Sir J.
Masterman, J.
Morris, D.
Muntz, G. F.
Murphy, F. S.
Napier, Sir C.
O'Connell, M. J.
O'Connell, J.
Palmer, R.
Palmer, G.
Pechell, Capt.
Rashleigh, W.
Richards, R.
Russell, Lord E.
Sandon, Visct.
Scholefield, J.
Sibthorp, Col.
Smyth, Sir H.
Stewart, J.
Taylor, J. A.
Thompson, Ald.
Towneley, J.
Vivian, J. E.
Walker, R.
Wilbraham, hn. R. B.
Williams, W.
Wodehouse, E.
Wood, B.
Wortley, hon. J. S.
Yorke, H. R.

TELLERS.
Crawford, W. S.
Ferrand, W. B.

On the question that the clause as amended stand part of the bill,

Colonel *Sibthorp* rose to object to it. It would entail an enormous expense on the country and had already cost no less than 641,396*l.* He objected to it also on the ground of the arbitrary power which it gave the Secretary of State to remove commissioners or substitute others at pleasure. The language of the right hon. Baronet in the early part of the evening had been most equivocal, but it had at least given hon. Members pretty plainly to understand that the more they worked the right hon. Baronet—the more they threw obstacles in his way—the more likely it was, at this period of the Session, that he would be brought to listen to reason, and induced to give up the attempt to force the bill into law. He would like to know where that guardian of the public purse the hon. Member for Montrose was? Why was he not in his place to oppose this clause on economical grounds? He wished to save the country between 30,000*l.* and 40,000*l.* a-year; on that ground he opposed the passing of the clause. He quite concurred in the propriety of forcing the Government to abandon the clause, although he must express his admiration of the right hon. Baronet and the other Members of the Cabinet.

General *Johnson* moved that the committee report progress, and ask leave to sit again.

Lord *Worsley* rose for the purpose of saying, that he was connected with the county with which the hon. and gallant Member opposite was also connected; and he (Lord Worsley) begged to say, that his constituents entertained opinions respecting the Bill before the House quite in opposition to those entertained and expressed by the hon. and gallant Member.

Colonel *Wood* said, that as there had been already two nights' discussion on the clause, he hoped hon. Members would allow it to stand part of the bill. He would suggest to the hon. and gallant Member whether he ought not to withdraw his motion.

The committee divided on the question that the committee do report progress:—Ayes 16; Noes 178: Majority 162.

List of the AYES.

Blackstone, W. S.
Brotherton, J.
Callaghan, D.
Collins, W.
Crawford, W. S
Duncombe, T.
Ferguson, Sir R. A.
Fielden, J.
Hall, Sir B.
Hindley, C.
Muntz, G. F.
Murphy, F. S.
Napier, Sir C.
Pechell, Capt.
Scholefield, J.
Yorke, H. R.

TELLERS.

Johnson, Gen.
Williams, W.

Main question again put.

Mr. *Fielden* moved that the Chairman do leave the Chair.

Sir *R. Peel* protested against the course which the hon. Member was pursuing. He hoped that hon. Members would not thus endanger one of the most important privileges of the House. The course now adopted was calculated to obstruct the progress of legislation, to bring the House into great discredit, and to impair their authority as a deliberative assembly.

Viscount *Palmerston* hoped, that the hon. Member would not press his motion to a division, which appeared to have for its drift the obstruction of public business.

Mr. *Fielden* thought that any hon. Member had a right to throw all the obstructions he could in the way of the clause proposed for the adoption of the House. He thought that time should be given to hon. Members who were desirous of stating their views on the bill. He did not think that he could be charged with unfairness. Every opportuuity ought to be afforded for discussing this question.

Mr. Fielden's motion negatived, and the committee divided on the question, that the clause stand part of the bill:—Ayes 146; Noes 26: Majority 120.

List of the AYES.

A'Court, Capt.
Antrobus, E.
Bagge, W.
Bagot, hon. W.
Bailey, J.
Baillie, Col.
Baird, W.
Baring, hon. W. B.
Barrington, Visct.
Baskerville, T. B. M.
Berkeley, hon. C.
Blackburne, J. I.
Boldero, H. G.
Botfield, B.
Bramston, T. W.
Bruce, Lord E.
Burrell, Sir C. M.
Busfeild, W.
Carew, hon. R. S.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Chetwode, Sir J.
Chute, W. L. W.
Clerk, Sir G.
Cockburn, rt. hn. Sir G.
Collett, W. R.
Corry, rt. hon. H.
Courtenay, Lord
Cowper, H. W. F.
Cripps, W.
Curteis, H. B.
Damer, hon. Col.
Darby, G.
Dodd, G.
Duncan, G.
East, J. B.
Eliot, Lord.
Elphinstone, H.
Escott, B.
Estcourt, T. G. B.
Evans, W.
Fleming, J. W.
Flower, Sir J.
Ffolliott, J.
Forbes, W.
Fuller, A. E.
Gaskell, J. Milnes.
Gill, T.
Gladstone, rt. hn. W. E.
Gladstone, T.
Glynne, Sir S. R.
Gordon, hon. Capt.
Gore, hon. R.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grey, rt. hon. Sir G.
Grimston, Visct.
Hamilton, W. J.
Harcourt, G. G.
Hardinge, rt. hn. Sir H.
Hawes, B.
Hayes, Sir E.
Heathcote, Sir W.
Herbert, hon. S.
Hervey, Lord A.
Holmes, hon. W. A'C.
Howard, hon. J. K.
Howard, P. H.
Hughes, W. B.
Hussey, T.
Hutt, W.
Jackson, J. D.
Jermyn, Earl.
Jolliffe, Sir W. G. H.
Jones, Capt.
Knatchbull, rt. hn. Sir E
Knight, H. G.
Labouchere, rt. hn. H.
Lascelles, hon. W. S.
Lefroy, A.
Lennox, Lord A.
Lincoln, Earl of
Litton, E.
Lockhart, W.
Lowther, J. H.
Lowther, hon. Col.
Mackenzie, W. F.
Mainwaring, T.
Manners, Lord C. S.
March, Earl of
Marsham, Visct.
Meynell, Capt.
Mitchell, T. A.
Mordaunt, Sir J.
Morgan, O.
Morris, D.
Neville, R.
Nicholl, rt. hon. J.
Norreys, Lord
Norreys, Sir D. J.
Northland, Visct.
Pakington, J. S.
Palmerston, Visct.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Praed, W. T.
Pringle, A.
Rasleigh, W.
Repton, G. W. J.
Rose, rt. hon. Sir G.
Rushbrooke, Col.
Russell, Lord J. D. W.
Ryder, hon. G. D.
Scarlett, hon. R. C.
Scott, hon. F.
Seymour, Lord
Sheppard, T.
Smith, A.
Smyth, Sir H.
Stanley, Lord
Stuart, Lord J.
Stuart, H.
Sutton, hon. H. M.

Thornely, T.
Trench, S. F. W.
Trevor, hon. G. R.
Trollope, Sir J.
Trotter, J.
Tyrell, S. J. T.
Vane, Lord H.
Vernon, G. H.
Vesey, hon. T.
Waddington, H. S.
Walsh, Sir J. B.
Ward, H. G.
Wawn, J. T.
Wilshere, W.
Wodehouse, E.
Wood, C.
Wood, Col. T.
Wood, G. W.
Worsley, Lord
Wortley, hon. H. J. S.
Yorke, hon. E. T.
Young, J.

TELLERS.

Fremantle, Sir T.
Baring, H.

List of the NOES.

Aglionby, H. A.
Aldam, W.
Borthwick, P.
Brotherton, J.
Brownrigg, J. S.
Buckley, E.
Callaghan, D.
Collins, W.
Colvile, C. R.
Crawford, W. S.
Denison, E. B.
Duncombe, T.
Egerton, W. T.
Fielden, J.
Grimsditch, T.
Hanmer, Sir J.
Henley, J. W.
Hindley, C.
Hodgson, R.
Muntz, G. F.
Pechell, Capt.
Richards, R.
Scholefield, J.
Taylor, J. A.
Williams, W.
Wood, B.

TELLERS.

Sibthorp, Col.
Johnson, Gen.

House resumed. Committee to sit again.

House adjourned at half-past one o'clock.

HOUSE OF COMMONS,

Wednesday, July 13, 1842.

MINUTES.] BILLS. *Public.*—1°. Warwick and Lancaster Coroners; St. Asaph and Bangor Cathedrals; Lunatic Asylums (Ireland).

Committed.—Protection to her Majesty's Person.

3°. and passed:—Protection to her Majesty's Person; Rivers (Ireland).

PETITIONS PRESENTED. By Mr. Hardy, from Marylebone, against a farther grant to Maynooth.—By Mr. Brotherton, from Ulverston, to discontinue the Wars in China, and Affghanistan.—By Sir L. H. Hayes, from Letterpenny, against the Tobacco Regulations Bill.—By Mr. S. Wortley, from Cuttal, Callerton, and other places (39 petitions) against the Dissolution of Gilbert's Unions.—By Mr. Ferrand, from Dr. Bedingfield, for Repeal of the Poor-law Amendment Act.—By Mr. T. Duncombe, from Dr. Quaill, to be appointed Medical Attendant of the Polish Refugees.—By Mr. Aldam, from Leeds, against the Poor-law Amendment Bill.—By Mr. J. Parker, from Lowtherstone Union, for Inquiry into the conduct of the Poor-law Commissioners in Relation to that Union.—From St. Pancras and Clerkenwell, in favour of the Building Regulations Bill.—By Mr. Clay, from Inhabitants of the Metropolis, for abolition of Duty on Inland Coals.—From the Grand Jury of the county of Louth, against placing Medical Charities under the Poor-law Commissioners.—From Queenhead, for the Repeal of the Corn-laws.—From Kingston-on-Thames, for the Redemption of the Tolls on the Metropolitan Bridges.—From the Medical Association at Newcastle-on-Tyne, for Medical Reform.—From Bassingbourn, to alter the mode of Pleading on Criminal Trials; and from Bassingbourn, London, Great Eversden, and Melbourne, to substitute Affirmations for Oaths.

PROTECTION OF HER MAJESTY'S PERSON.]—(PUBLIC DISTRESS.) Sir *R. Peel* moved the Order of the Day for the House to resolve itself into a committee on the Protection of her Majesty's Person Bill.

Mr. *Hume* wished to remind the right hon. Baronet at the head of her Majesty's Government, that though the attention of the House had been directed for several months to the distress which prevailed throughout the country, yet no notice had been taken of that portion of her Majesty's Speech at the opening of the Session which called on them to consider the financial difficulties of the nation with a view to the removal of that distress. Contrary to what all experience counselled them to do, they had neglected the first object to which their attention should have been directed—that of seeing how they could best, and to the greatest extent, reduce their expenditure. The estimate which had been laid before them on account, in a great measure, of those wars which were commenced by a former Government, but which must be prosecuted by the present Government, amounted to 19,000,000*l.*—and would, he feared, in the course of this year, be augmented to 20,000,000*l.*, if not more. Nothing, then, could avail them but a great reduction of their expenditure, both at home and abroad, when such deep distress prevailed throughout the land—not temporary distress, he was sorry to say, but distress which had all the appearance of continuing and increasing. Before, therefore, they proceeded further to vote money, he wished to ask whether it was the intention of her Majesty's Government to afford relief to the country by a large reduction of the civil expenditure of the State? The right hon. Baronet said the other night that no tax was ever received by the country with so much approbation as the Income-tax. He wished the right hon. Baronet had been present at the Bank of England when the deduction of 5*l.* or of 10*l.* from the incomes of individuals took place. He would then have heard every man and woman whom this reduction sensibly affected express their bitter feelings at this reduction of their means of support. Such a step ought never to have been taken till the whole civil list was reduced. Men in private life whose circumstances were embarrassed would consider how they could retrench so as to make their income and their expenditure agree; and the same principle ought to be acted on by a Chancellor of the Exchequer or a First Lord of the Treasury in administering the affairs of the nation. Those who had long been receiving largely from the public purse ought, at the present moment of distress, to make an extensive sacrifice in favour of the people. He did not speak of persons who were receiving trifling salaries of 150*l.* or 200*l.* or 300*l.* a-year. No, he spoke of the immensely large amount which was expended in maintaining the Lord Chamberlain's department, the Lord Steward's department, the department of the Master of the Horse. The sum charged for the civil expenditure was 385,000*l.*, from which, if they deducted 60,000*l.* for the Queen's privy purse, there remained 325,000*l.*, which was expended on useless parade, expended on individuals connected with the Court, but who only attended there from time to time. If anything could be more dissatisfactory to the great mass of the people than another, it was to see outside of the palace squalid poverty, misery, and wretchedness, in all their painful variety, and to behold withinside the palace nothing but extravagance, gorgeous grandeur, and expensive finery. It was his suggestion to the right hon. Baronet, that he should now, without further loss of time, advise her Majesty to do away with half of this monstrous expenditure—for monstrous it was, when 325,000*l.* a-year was squandered in this manner, while distress and poverty covered the country. He saw no reason why there should be so many lords and ladies in waiting. If it were thought proper not to reduce their number, why could they not reduce their allowances, and give them only half of what they now received? He was convinced, that between 2,000,000*l.* and 3,000,000*l.* could be saved from the public expenditure, by reducing the salaries of public officers and pensions, and curtailing useless expenses. He would suggest, that it would be a proper step to appoint a select committee to inquire into the expenditure, and that the estimates should be referred to it.

Sir *R. Peel* was sure the hon. Gentleman must have delivered the speech he had just made under the impression that the motion before the House was for a committee of supply, but, in point of fact, the motion was, that the Speaker do leave the Chair, in order that the House might resolve itself into committee on the bill for the better protection and security of her Majesty's person. He was quite sure the hon. Gentleman would not have addressed those observations to the House if he had been aware that that was the regular question. With respect to the relief to be effected by great savings, he could not lend himself to that delusion which he should be practising on the country, if he were to inform them that by any saving on the miscellaneous estimates he could hope to mitigate the distress of the country. What were the great sources of expenditure? There was the national debt, and he was sure every hon. Member must see the necessity of maintaining public credit, and providing for the payment of the fundholders. Then there were 17,000,000*l.* for the expenses of the public establishments, 15,000,000*l.* being for the army, navy, and ordnance. The estimates for those branches of expenditure had been voted by the House without any hesitation, because they had felt that it would not be consistent with true economy to make any reduction in those departments of the public service, looking to the exigencies of that service and to the force kept up by other powers. When there was any impression on the part of the House and the country that extravagant estimates were proposed, there was every disposition to contest them. With respect to the miscellaneous estimates, if hon. Members would compare the estimates for the last and present years, they would find that some considerable reductions had been made, not in the total amount, indeed, but with reference to the nature and amount of the service done. Last year he had himself expressed great unwillingness to renew the vote for the Caledonian Canal without inquiry, but the subject had subsequently been referred to a select committee, who had reported in favour of the grant, and an addition of 250,000*l.* to the estimates was made on that account. There were also considerable sums required on account of prisons and parks, and a large amount for the war in China. That war must be brought to a conclusion, and nothing could be more impolitic than to stint the means of terminating it speedily. There was a vote of 400,000*l.* on that account, and one of 60,000*l.* under the head of Syria; for neither of which was the present Government responsible. The saving on the whole estimates, calculated, as he had stated, would be 84 000*l.* He was sorry, that any proposal should be made to interfere with the fund placed at the disposal of the Government for rewarding literary and scientific merit, for which purpose 1,200*l.* a-year was but a moderate sum. The hon. Gentleman had recommended a finance committee, but he had had some experience of such committees, and knew that they had utterly failed. He doubted whether the Treasury was not always more economical than the House of Commons in a committee of supply. He hoped the House would at once proceed to the committee on the bill which had been read a first and second time on the previous evening, under circumstances which he could assure the House had excited in a certain quarter, the most grateful feelings and sincere acknowledgments.

Sir *R. Inglis* said, the right hon. Gentleman had given credit to the hon. Member for Montrose, for having made a mistake as to the motion before the House; but the indignant virtue of that hon. Member scorned such a mistake, and he stated, that he knew distinctly what the bill was. He only rose to state, that the hon. Member was, when speaking, uncheered by a single Member of the Opposition, except the hon. Member for Coventry. He would make no comment on the hon. Member's having taken this opportunity of uttering a tirade as he had done, on the establishment of her Majesty's household, and virtually reflecting on her Majesty.

Mr. *Hume* had fallen into a mistake. There was no individual in that House who had more regard for the Sovereign than himself, or would be more happy to see her Majesty protected. He had known as much of her Majesty as the hon. Gentleman who had just spoken, and he was sure she would not consider any recommendation of a measure calculated to afford any relief to her subjects an improper or unjust interference.

Mr. *Williams* asked, why the hon. Gentleman opposite should have made an allusion to him? He had seen enough of the conduct of that hon. Gentleman to know that he attempted to take to himself exclusive loyalty and attachment to the Sovereign and institutions of the country. It was quite clear, that the hon. Member for Montrose had committed an error. There could be but one feeling in the House respecting the late cowardly and scandalous attempt on her Majesty's life. He indignantly repudiated the reflections which the hon. Baronet opposite thought proper to cast upon himself and other Members seated on that (the Opposition) side of the House. He could assure that hon. Baronet that if her Majesty's person should ever be in danger he would be always found ready to defend her.

Sir *R. Peel* deprecated any angry feelings on the subject. It was impossible to obliterate from their recollection the unanimity which prevailed in the House when he asked leave to bring in the bill last evening; not one dissentient voice was raised against the proposition. He did hope, that the feeling of unanimity which then existed would not be deviated from, and that all would unite in carrying the measure speedily through the House.

House went into committee on the bill.

The clauses were agreed to, and the bill passed through committee.

THE CONVICT FRANCIS.] Sir *R. Peel* wished to state publicly now, what he had omitted to state publicly the night before. He had informed the House that the Government, after conferring with the judges and the law officers of the Crown, had felt it to be their duty, on the principles on which justice and the prerogative of mercy were at once administered, to spare the life of the convict Francis; but he should have stated, at the same time, that the sentence had been commuted into transportation for life, and that the convict was on his way to that penal colony where the labour is most severe, and where there are the least opportunities for convicts to have indulgences.

MINES AND COLLIERIES.] Viscount *Palmerston* wished to put a question to the right hon. Baronet at the head of the Home Department. When the Mines and Collieries Bill was in an early stage before that House, the right hon. Baronet stated, that that bill had not only his own entire approbation, with one reservation, but that it had the warm and cordial support of the Government. Now, he perceived that, in another place, a noble Lord, a distinguished Member of the Government, last night stated, in reference to that measure, that Government meant to remain quite passive in its progress, leaving individual Members of the Government to take what part they thought fit—the noble Lord himself making it tolerably manifest that he himself intended to give the measure anything but warm and cordial support. He wished to know how this apparent discrepancy was to be reconciled; whether the right hon. Baronet in that House was to be taken as the real expositor of the intentions of Government in this respect, or the noble Lord in the other House.

Sir *J. Graham* said, that the noble Lord had not given him the slightest intimation of his intention to put such a question to him, and therefore he did not know upon what foundation the statement rested, unless it was on the reports of what had occurred in another place. Not having had an opportunity of referring to his noble Friend, he could only speak of the declaration which he himself had made. The declaration he made was this—that to the principle of the bill introduced by his noble Friend (Lord Ashley) he cordially assented. He assented to it not merely in his individual capacity, but as one of the Members of a united Government. He, however, reserved to himself, and his Colleagues, the right of considering the details of the measure, and amongst those details, he, at the time, particularly specified the prohibition of the employment of children under thirteen years of age, and expressed a doubt whether that was a judicious regulation. During the progress of the bill, his noble Friend departed from his original intention upon that point, and the bill now permitted the employment of children of thirteen years of age, but upon condition that they should be employed only on alternate days, and for a period not exceeding twelve hours each day. For himself, he did not object to the limitation, but if his opinion were to be asked upon the subject, he would suggest what he considered an improvement. It appeared to him, that the employment of children even on alternate days for so long a period as twelve hours would be prejudicial to their health and well-being, and he thought it would be better to allow them to be employed for five days in the week, and for a period of not more than eight or nine hours. If a proposition of that nature had been submitted to the House, he should have thought it perfectly consistent with the pledge he had given to have supported it. If the noble Lord had given him notice of his intention to propose the question, he would have had an opportunity of communicating with his noble Colleague; as it was, he could only express his belief that his noble Friend had only reserved to himself, as he had done, the right of considering the details of the measure.

CHURCH EXTENSION.] Mr. *Hawes* hoped that the question he was about to put to the right hon. Baronet would not be considered an improper one. It related to a notice given by the hon. Baronet, the Member for Oxford, relative to Church Extension. As the Session was drawing to a close, and Members were preparing to leave town, it was very desirable to know whether the Government intended to accede to the motion or not, and, therefore, he trusted that the right hon. Baronet would now state what course he intended to pursue.

Sir *R. Peel* said, that there was such a mass of public business to be disposed of, that he had not yet had time to turn his attention to the intended motion of the hon. Member for Oxford. He would to-morrow state what course the Government would take respecting it. Certainly he had no intention of supporting any grant of the public money.

COMMITTEE OF SUPPLY—MISCELLANEOUS ESTIMATES.] Sir *Robert Peel* moved, that the sum of 33,110*l.* be granted for the British Museum.

Mr. *Hawes* said, that at present the King's Library in the Museum was occupied only by persons engaged in cataloguing books. He wished to know when that magnificent room would be opened to the public.

Sir *R. Inglis* said, that when the room was opened to the public it served merely for a passage, and the dust thereby created was found very injurious to the books. The persons who passed through saw only the backs of the books, and were, of course, incapable of appreciating the treasures they contained. No objection was offered to the admission of persons for the purposes of study.

Mr. *Hawes* hoped the right hon. Baronet would use his influence to cause the room to be thrown open on the public days.

Sir *R. Peel* would be glad to see any access given to the British Museum, which could be given consistently with the preservation of the books.

Mr. *G. Heathcote* said, there seemed to be a considerable degree of confusion at the British Museum, both with respect to the catalogues, and the arrangement of the books. He had been there lately, and found the Magna Charta—that Palladium of English liberty—placed between two cases containing Esquimaux breeches.

Mr. *Ewart* wished that the trustees would examine into the practicability of throwing open the British Museum in the evening, for the benefit of the working classes. The library of St. Genevieve, at Paris, had been opened in the evening, and lighted with gas, for the use of the working classes, and the arrangement had been found very satisfactory.

Mr. *Hume* complained of the regulations which excluded children under eight years of age from the Museum. They were admitted into the National Gallery, and no injurious consequences were found to result. But at the Museum, when a mechanic went with his family, containing, perhaps, one child under eight years old, that one was obliged to stay at the door with, perhaps, the mother to take care of it, while the others went round. In such a case the mother either did not see the museum at all, or could only go in when the others had come out. He thought there ought to be a separate catalogue for each department, so that a person wanting a catalogue of the natural history department should not be obliged to buy three or four others. He wanted to see the government of this institution, to which they were going to vote 30,000*l.* altered. It was now a private institution. He wished to see certain individuals appointed to the management, who would be responsible to the Government. It ought not to be left in the hands of private trustees, who elected each other. He thought the King's Library ought to be open to the public with the Museum. Even if they saw only the backs of the books, it was not without its use. It might lead to something further. Many who visited great libraries on the continent saw only the outsides of the volumes.

Sir *R. Peel* said, that the hon. Member for Montrose seemed to be insensible to the sarcasm of Pope :—

> " His study ! with what authors is it stored ?
> In books, not authors, curious is my lord."

He thought the management was at present in very good hands. There was always some official trustee from whom the Government could obtain any information they wanted ; and the other trustees were gentlemen as likely to perform their duties in a manner beneficial to the public as any who could be appointed.

Vote agreed to.

The next vote was 106,085*l.* for expenses of the works and repairs of public buildings, furniture for various public departments, &c., and for the maintenance and repairs of the royal palaces.

Mr. *Hume* said, there ought to be a detailed account of the sum expended on each building. Without the least wish to abridge the comforts of the Sovereign, he did not see that so many palaces were required, some of which her Majesty never used.

Mr. *Williams* complained that so large a number of palaces should be maintained no less than seven. Some of them her Majesty never occupied at all. Kew Palace for example, was not occupied by any Member of the Royal Family in this country. [" An Hon. *Member* : The King of Hanover."] The King of Hanover was a foreign potentate, and he ought to be content to receive from the industry of the people of England his pension of 21,000*l.* a-year, instead of expecting likewise an expensive palace and gardens, besides the apartments he reserved to himself in St. James's-palace. The hon. Member also complained of a charge of 800*l.* a-year for a residence for the Princess Sophia.

Mr. *Protheroe* recommended that a chapel should be attached to Buckingham-palace, in order to prevent the necessity for the Queen proceeding to the chapel of St. James's to attend divine worship ; and by which her Majesty had been exposed to the late treasonable attacks.

Mr. *Hawes* deprecated any arrangement that should discourage the frequent appearance of the Queen among her subjects. None of the Royal family resided at Kew, and if the palace was kept up for the King of Hanover it was an abuse. He complained that Kew-gardens were only open certain days and certain months and contended that free-admission into Richmond park should be given to all carriages except public ones.

The Earl of *Lincoln* said, that more

than half the expense bestowed upon the palaces, particularly Hampton-court, was for the benefit of the public rather than of the Sovereign or of the occupants. The charge of 800*l.* for a residence for the Princess Sophia was an exceedingly economical one, as her royal Highnesse's apartments at Kensington had become so dilapidated that it would take 10,000*l.* or 12,000*l.* to repair them. With regard to the suggestion thrown out by the hon. Member for Halifax, relative to the building of a chapel within the precincts of Buckingham-palace, such an arrangement had actually been in progress before the attacks alluded to by the hon. Member. He, however, must say, that the reason suggested as to the safety of her Majesty would have been no inducement for entering into such an arrangement, for he should not be taking too great a liberty with the royal name in saying that no sentiment of fear could have the effect of inducing her Majesty to withhold herself from her subjects, or from performing her customary devotions. The arrangement with regard to the building of a chapel at Buckingham-palace was this. There were with large conservatories attached to the palace, and the House would recollect that last year a large sum was voted for the improvement of those conservatories. Her Majesty with that desire which she always had of saving unnecessary expense, had suggested that the sum granted for the fitting up of the conservatories should be applied to the building of a chapel adjoining Buckingham-palace. Under these circumstances, and considering that the money had been voted for the purpose of merely ornamenting the conservatories, he thought that neither the hon. Member for Montrose nor any other Member would object to its being applied to a more useful purpose. He begged to state that this arrangement had been made at the desire of the Queen in order that her Majesty might be able to attend divine worship at all times, and in all weathers; and he begged also to state that it had been made previous to the attacks recently made on her Majesty. With regard to the observations made by the hon. Member for Dumfries, as to the opening of Richmond-park, he thought that one would have inferred from the observations of that hon. Member, that foot-passengers were not allowed to enter the park. But this was not the case; and with regard to cariages and persons on horseback, great falciities were afforded. If any arrangement could be made to give additional facilities in this respect, he would be most happy to give it his utmost attention. With regard to Kew-park, he could not use the same language. He begged the House to consider that every Royal park had been, one after another, opened to the public; and the hon. Member for Dumfries ought to bear in mind that Kew, in the time of George 3rd, was used as a Royal nursery. Under the probability of its being again appropriated to this purpose, he thought that the hon. Member would not be of opinion that the Government were asking too much when they required that the present limitations should still be continued, the park still continuing open to the public for two days in the week. Under these circumstances, he could not accede to the proposal of the hon. Gentleman for the opening Kew-park on every day of the week.

Mr. *Ewart* said, he wished to make an observation with reference to Regent's-park. Last year it was thrown open to the public, and it was then proposed that a path should be made in a direct line through the park, and that it should be continued across the canal to Primrose-hill. He hoped the noble Lord would not let the subject escape his notice.

The *Earl of Lincoln*: The work is in progress.

Mr. *Hume* wished to know why the people were excluded from the ground on the west side of Kensington-palace. He was sorry to observe that it was to let for the building of villas. He wished to know why, with the sordid view of getting a few hundred pounds, this ground was to be given up in order to be let out in building lots, and he wished particularly to know who was to get the money.

The *Earl of Lincoln* said, that the arrangements for letting out the old kitchen garden, at Kensington, for building lots arose from an act of Parliament, which was passed on this subject during the short Session of last year, when the hon. Member for Montrose was not a Member of the House. He could assure him that that bill was fully discussed at the time by many hon. Members opposite. With regard to the proceeds it was intended to apply them towards the expences of the new gardens at Kew.

Vote agreed to.

105,000*l.* to defray the expenses of the works of the new Houses of Parliament.

Mr. *Hume* said, he wished to know when, at the rate at which they were going on, it was likely that the works would be completed; and he also hoped that in another year the Government would state the whole amount that had been expended.

The *Earl of Lincoln* said, that he had asked the architect when he thought the works would be completed; but he answered that it was impossible to say until he knew what sum the Chancellor of the Exchequer could afford towards carrying on the works. At the present rate at which the works were carried on, he thought there was every probability that the Session of 1845 would be held in the new Houses. The whole of the buildings would not be completed at that period, and he believed that it would be seven or eight years before the Victoria tower and other portions of the works were completed.

Mr. *Hume* said, he had always objected to the site of the new Houses. It had been the cause of their burying 150,000*l.*, and a more extravagant waste of the public money had never, in his opinion, taken place. He thought, and he was supported in his opinion by one of the commissioners, that the building would never do for the House of Commons.

The *Chancellor of the Exchequer* said, that he had made inquiry as to the sum required to carry on the works for this year, and the amount proposed was that which was considered necessary.

Vote agreed to.

19,326*l.* for the completion and fittings of the model prison.

Mr. *W. Williams* said, that this item would make up the sum of 69,000*l.* for the building of the model prison. He thought the system proposed would not answer in this country, and he thought that a reference to one of the items in the present estimates would convince the House of this. He found an item of 6,300*l.* for maintaining 250 convicts for three quarters of a year. This was at the rate of 13*s.* a week each, and this, too, in a country where the wages of a man who worked fourteen hours a day were as low as 3*s.* a week. Why had not these convicts been transported? He had been informed that the persons confined in the prison of Sing Sing, in the United States, were not only capable of defraying their own expenses by their labour, but also the expenses of the prison. The prison was built by the convicts themselves; and he saw no reason why the same plan should not be adopted in the present case. He trusted that the right hon. Gentleman the Secretary of State for the Home Department would take this point into his consideration.

Sir *James Graham* said, that the works were too far advanced when the Government came into office for them to be arrested. The experiment which they were to try was an important one, but at the same time he would not wish it to be tried upon a larger scale than that at present proposed. With reference to the probable expense, the hon. Member would observe that, as accommodation in the present case was to be provided for 520 persons, the expense would be proportionally reduced by applying it to a more extended system. He thought that the discontinuance of transportation would not be politic. It was, he believed, an advantageous form of punishment for the community here, and, under proper regulations, beneficial to the penal settlements themselves. The model prison was intended to be subsidiary to the punishment of transportation. It frequently happened, that to carry out the sentence of transportation immediately after it was pronounced was cruel towards the prisoner; but the aid of the model prison might be called in in such cases, and by confining the offender there for some time—say eighteen months or two years—he might be instructed in some species of useful and skilful employment, so as when he should be sent to the penal colony, he would have an opportunity of gaining an honest and comfortable livelihood.

Mr. *Hume* concurred in the observations of the right hon. Baronet upon the subject of transportation, but he thought that if they spent more money in building schools they would have to spend less in building prisons. He thought, too, that some provision should be made for offenders, particularly juvenile offenders, after their liberation from prison, to prevent them, if possible, from relapsing into vice. He had made inquiry of the governors of no less than seven prisons, and they had stated that great numbers of the persons under their care soon returned after liberation, as they were obliged to have recourse again to thieving, from being without the means of earning an honest livelihood.

Vote agreed to.

On the motion that 8,654*l.* be appropriated for the use of the Parkhurst Prison in the Isle of Wight.

Sir *James Graham* stated, that the system of discipline pursued at Parkhurst had been found in general to be satisfactory in its results. The Government had thought it right in some cases, where the system had been found to produce extremely beneficial effects, to grant free pardons in the cases of these individuals and to send them out free to New Zealand, where they might gain an honest subsistence. In other cases, offenders had been sent to Van Diemen's Land with a contingent pardon depending upon their future behaviour. An additional amount was this year required for this prison, in order to make arrangements for the accommodation of juvenile female delinquents. Since he had been called upon to superintend the working of the criminal law, he had experienced great difficulty in making arrangements with respect to female convicts of tender years under sentence of transportation. It was not possible to send such persons to a penal colony, and it had therefore been deemed right to form an establishment at Parkhurst for their reception.

Mr. *Hume* remarked upon the hardship of sending out free, and with a pardon, to New Zealand, convicted prisoners, while numerous honest people were unable to emigrate there and to other colonies for want of means. He begged to call the serious attention of Government to this subject.

Mr. *Vernon Smith* asked in what capacities these persons were sent abroad?

Sir *James Graham* replied they were sent pardoned.

Mr. *Vernon Smith:* Yes, but with the notoriety of crime still attaching to them, they would find it most difficult to regain their characters, and obtain honest employment.

Lord *Stanley* stated, that no persons were sent out except those committed for comparatively trifling offences. The cases were few in number, and the persons were so far reformed that there was every hope of their being again fitted to enter into society, and the great object was to remove them to a distance from the scene of their former crimes. He deprecated any continuance of discussion upon this subject.

Mr. *Aglionby* wished to know upon what fund the expense of these persons being sent was to fall.

Lord *Stanley*: Upon that part of the public money applicable to criminals.

Sir *James Graham* had no doubt as to the policy of immediately granting the vote. Young female convicts could not well be transported to a penal settlement, and therefore it was of great importance that something should be done for their reformation at home.

Mr. *Roebuck* was in favour of transportation with respect to all classes of convicts. The cry against transportation was unwise and unfounded.

Mr. *V. Smith* thought the system of juvenile offenders being sent to New Zealand, with a free pardon, was a premium upon crime, and an act of hardship to poor but honest men. He repeated the question as to the fund from which they were sent.

Lord *Stanley* replied, that they were not sent out from any colonial fund. The expenses formed a moderate charge upon the money appropriated to criminal jurisprudence. He thought it advisable that prisoners, after having been detained a certain time, and to a greater or less extent reformed, should be sent from the country pardoned, upon the condition of their not returning to it. The funds which were applied to defray the expenses would have otherwise been applied to the cost either of transportation, or of fulfilling their originally destined period of imprisonment; and the result was an actual saving to the public.

Mr. *Hawes* protested against the doctrines of the hon. Member for Bath with respect to transportation. There was, he thought, with respect to criminal law, a tendency to fall back to old practices which had been proved ineffectual. He thought the difference between transportation and confinement and labour in this country was one between an expensive punishment three thousand miles away and a cheap one at home.

Vote agreed to.

On the question that the sum of 62,300*l.* be granted for payment of the salaries and expenses of the two Houses of Parliament,

Mr. *Hume* objected that no items were furnished for the sum of 21,000*l.*, required for the House of Lords. No public money ought to be voted without the particulars being known to the House of Commons.

The *Chancellor of the Exchequer* explained, that formerly the salaries and expenses of the House of Lords were paid by address from the Peers to the Crown, but of late years, the sum had been included in the estimates.

Mr. *Hume* persisted in his objection, and divided the committee on an amendment, that 40,500*l.* be granted from the vote:—Ayes 23; Noes 90: Majority 67.

List of the AYES.

Aglionby, H. A.
Aldam, W.
Bannerman, A.
Berkeley, hon. Capt.
Bernal, R.
Brotherton, J.
Busfeild, W.
Clements, Visct.
Cobden, R.
Curteis, H. B.
Duncan, G.
Ferrand, W. B.
Hawes, B.
Napier, Sir C.
O'Brien, J.
O'Connell, D.
O'Connor, Don
Roebuck, J. A.
Smith, rt. hon. R. V.
Tancred, H. W.
Thornely, T.
Williams, W.
Wood, B.

TELLERS.

Hume, J.
Bowring, Dr.

List of the NOES.

Allix, J. P.
Arbuthnott, hon. H.
Arkwright, G.
Bailey, J.
Baird, W.
Baring, hon. W. B.
Baskerville, T. B. M.
Bodkin, W. H.
Boldero, H. G.
Browne, hon. W.
Campbell, A.
Chelsea, Visct.
Chetwode, Sir J.
Christopher, R. A.
Clayton, R. R.
Clerk, Sir G.
Cochrane, A.
Cockburn, rt.hn.Sir G.
Cresswell, B.
Cripps, W.
Denison, E. B.
D'Israeli, B.
Douglas, Sir H.
Eaton, R. J.
Eliot, Lord
Escott, B.
Estcourt, T. G. B.
Ferguson, Sir R. A.
Fitzroy, Capt.
Fleming, J. W.
Ffolliott, J.
Forbes, W.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone,rt.hn.W.E.
Gladstone, T.
Glynne, Sir S. R.
Gordon, hon. Capt.
Gore, M.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grogan, E.
Harcourt, G. G.
Hardinge,rt.hn.Sir H.
Hardy, J.
Henley, J. W.
Hervey, Lord A.
Hinde, J. H.
Hodgson, R.
Hope, hon. C.
Hornby, J.
Howard, P. H.
Hughes, W. B.
Hussey, T.
Jermyn, Earl
Jones, Capt.
Knatchbull,rt.hn.Sir E
Lincoln, Earl of
Lockhart, W.
Lygon, hon. Gen.
Mackenzie, T.
Mackenzie, W. F.
Mainwaring, T.
Masterman, J.
Mitchell, T. A.
Neville, R.
Nicholl, rt. hon. J.
Northland, Visct.
O'Brien, A. S.
Packe, C. W.
Pakington, J. S.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Plumptre, J. P.
Pringle, A.
Sibthorp, Col.
Smith, A.
Somerset, Lord G.
Stanley, Lord
Sutton, hon. H. M.
Taylor, J. A.
Trench, Sir F. W.
Trotter, J.
Turnor, C.
Vernon, G. H.
Vesey, hon. T.
Wodehouse, E.
Yorke, hon. E. T.
Young, J.

TELLERS.

Fremantle, Sir T.
Baring, H.

The original grant being again proposed,

Mr. *Hawes* too, contended, that this was a mode of taxing the people without any account rendered. Hereafter the sum required might be much larger, and the House of Commons would have no control.

Mr. *Hutt* said, that the Clerk in Parliament of the House of Lords received 4,000*l.* a-year for absolutely doing nothing. Another clerk was paid 3,500*l.* a-year, and of two clerks at the Table, one had 2,000*l.* a-year, and the other 1,500*l.* One Serjeant-at-Arms had a salary of 3,000*l.*, and the general establishment was much larger and more expensive than that of the House of Commons. He hoped the Chancellor of the Exchequer would, at least, make some inquiry as to the items.

Sir *R. Peel* said, that that was just the course which had been taken. This was the only instance in which the House of Lords exercised any control over the public money, and he thought, that any investigation by the House of Commons would be viewed with jealousy.

Mr. *Hawes* remarked, that if the Chancellor of the Exchequer had made the inquiry, it was fit that this House should be informed of the particulars.

Mr. *Hume* repeated, that the subject ought not to be taxed without the knowledge of the House of Commons. He should move to postpone the vote to a future day.

Mr. *V. Smith* observed, that the sum was a comparatively small one, and the only amount of the kind which the House of Lords was allowed to deal with.

The *Chancellor of the Exchequer* added, that from time immemorial until the change, the House of Lords had exercised the privilege of addressing the Crown for the payment of its expenses.

Mr. *Hume* moved, that the grant be 50,300*l.*

Amendment withdrawn, and original vote agreed to.

On the question that 112,470*l.* to defray the expenses of consul-generals, consuls, vice-consuls, and superintendents of trade in China, be granted to her Majesty.

Mr. *D'Israeli* asked what the services of consuls were?

The *Chancellor of the Exchequer* said their duties were to superintend trade; and, at the same time, they had some diplomatic duties to attend to.

Mr. *D'Israeli* said, it was evident that consuls by law had nothing to do. Almost every instruction which they received from the Foreign Office was contrary to law. They were called on to make returns respecting the trade of the country where they resided; but they had no authority to demand those papers without which it was not in their power to give any accurate information. It was also their duty to see that every British ship was navigated according to law, but they had no power to call on the captain for the production of the ship's papers. Before Mr. Canning's act for the regulation of consuls, they had the power to make the captain produce his papers; but in his act Mr. Canning purposely omitted this power, with a view of remodelling the system altogether, which he had afterward, not done, and the administration and the legislation of the country, on this subject, were in direct contradiction with each other. The British consuls were the only consuls who could not arbitrate between a master and his crew.

Sir *Charles Napier* said, he did not know what the consular law was, but he had had a good deal of experience of the practice, which was perfectly different to what had been described by the hon. Gentleman, and he believed, therefore, that the hon. Gentleman must be mistaken. It was impossible for a captain to receive consular protection without producing his papers. But he did not think that sufficient attention was paid to the appointment of consuls. They ought to collect at the places where they resided information that might be of use to the country in time of war.

Viscount *Palmerston* said, that the chief duties devolving on consuls were those of protecting the interests of British commerce and shipping. The real question was whether those duties were of sufficient importance to warrant the expenses of a consular establishment. He believed that they were. He himself had increased the number of consuls, and in every case he had been induced to do so in consequence of applications from persons interested in the trade of the places at which they wished for consuls to be appointed. As to what the hon. Member for Shrewsbury had stated with reference to the intentions of Mr. Canning to make a change in the consular establishment, he believed that the only change which was made was abolishing the system of paying consuls by means of fees proportionate to the tonnage of vessels for which they had transacted business, and remunerating them by means of fixed salaries. This was the only change, he believed, which was contemplated by Mr. Canning. It was true, as the hon. Gentleman opposite had stated, that consuls had no legal power of adjudication, but they had a power of arbitration, inasmuch as such a power might be created by the contending parties themselves by mutual consent, and the most important duties of a consul frequently consisted in arbitrating between captains of ships and their crews. It was also true that the consul had no legal claim for the production of ships' papers; but the question of the propriety of investing them with that power had not escaped the consideration of the late Government. On consulting the Board of Trade, however, it was represented that the investiture of consuls with such powers would not be advantageous to commerce. In fact, when merchants and captains of ships require the aid of the consul to bring them through any difficulty into which they might have fallen with the local authorities, they were required to furnish him with their papers before the end in view could be attained. On the whole, he believed that the duties of consuls were officially discharged.

Mr. *Hume* wished to know on what grounds an addition had been made to the estimates by the appointment of a consul-general of Syria.

Viscount *Palmerston* replied, that that appointment was not by any means a new one, for there had formerly been a consul-general at Damascus. In the present state of Syria, it was considered important that there should be an officer invested with that power over the local consuls which belonged to the office of consul-general; the appointment had been attended by advantageous results.

Mr. *Hume* thought that as there was

a consul-general at Constantinople, and that as Syria was now part of the Turkish empire, that that functionary might discharge the duties of consul-general for the whole Ottoman empire.

Vote agreed to, as were several others.

House resumed. Committee to sit again.

PROTECTION OF THE QUEEN'S PERSON.] On the question that this bill do pass,

Sergeant *Murphy* remarked that the provisions might not be found to apply to an assault by means of an air gun.

Sir *R. Peel* thought the words, "or other description," supplied the deficiency pointed out by the hon. Member.

Bill passed.

House adjourned at a quarter to two o'clock.

HOUSE OF LORDS,

Thursday, July 14, 1842.

MINUTES.] BILLS. *Public.*—1ª· Attornies and Solicitors; Protection of her Majesty's Person; Slave Trade Treaties Continuance; Rivers (Ireland); Turnpike Acts Continuance; Linen Manufacturers (Ireland); London Bridge Approaches Fund; Fisheries Treaty.

2ª· Mines and Collieries; Dean Forest Ecclesiastical Districts.

Committed.—Railways; Charitable Pawn Offices (Ireland).

Reported.—Right of Voting (Dublin University); British Possessions Abroad; Tithe Commutation.

3ª· and passed:—Perth Prison.

Private.—2ª· Lord Dinorben's Estate; Cambuslang and Muirkirk Roads.

3ª· and passed:—London and Greenwich Railway; London Bridge and Royal Exchange Approaches.

PETITIONS PRESENTED. From Miners of the Township of Churwell, and Members of the Kirksession of Inverness, against parts of the Mines and Collieries Bill, and also to the same effect from Newmarket Colliers Wood Pit, and a number of other Collieries.—By the Bishop of London, from Islington and Camberwell; by the Archbishop of Canterbury, from Coal Miners of Whitley, in favour of the Mines and Collieries Bill.—By the Marquess of Londonderry, from Owners and Occupiers of Mines and Collieries in the West Riding of Yorkshire, to be heard by counsel against the Bill.

RAILWAYS.] House in committee on the Railways Bill.

Lord *Campbell* brought up a clause to the effect that no railway carriages should be locked up without the consent of the passengers.

On the motion that it be read a second time,

The Earl of *Ripon* opposed the clause. No person could be more convinced than he was of the futility of the reasons assigned in favour of the practice. At the same time, he did not think it desirable that any department of the Executive Government should assume more control over the railways than was absolutely necessary, the effect of which would be to diminish the responsibility of the directors. He felt bound to say, in justice to the railway companies, that in every instance in which the Board of Trade had felt it necessary to point out anything for the convenience or safety of the public they had shown themselves most ready to adopt it, whatever might be the opinion of the directors as to its propriety.

The Marquess of *Clanriearde* would support the clause. If the railway directors did not lock the carriages the clause would remain a dead letter, and could not be vexatious to them; whereas, if they did lock the carriages, the clause would then be a protection to the public.

The Earl of *Wicklow* said, that the railway companies knew their own interests as well as any other body of men, and if they found that the public disapproved of locking the carriages, they would abandon the practice.

Lord *Cottenham* supported the clause. The argument made use of against it would go the length of showing that the railway directors ought not to be interfered with at all—that they ought to be left to themselves, and to do as they liked. But the object of the bill was to regulate their practices, and he thought it was absurd to leave it to the discretion of the directors whether or not they should return to so dangerous and unnecessary a practice.

The Earl of *Mount Cashel* supported the clause, which he thought calculated to ensure the public safety.

The Earl of *Radnor* would oppose the clause, because he thought the locking of the carriages was not dangerous, and he did not know but it might under some circumstances be necessrry. He was rather in favour of the practice than otherwise.

The Earl of *Ripon* ridiculed the clause on account of the provision which it contained, that all the persons inside a carriage should be asked whether they would be locked in or not, so that if the majority thought that precaution necessary to their safety, one passenger, like the one juror, might overrule the judgment of all the rest.

Bill passed through committee. To be reported.

Their Lordships divided on the question, that the clause be read a second time: Not-content 35; Content 31: Majority 4.

Bill passed through committee. To be reported.

Protection of the Queen's Person.] Messengers from the House of Commons brought up the bill for the better protection of her Majesty's Person.

The Duke of *Wellington* said, that he would now propose to their Lordships that this bill be read a first time. To-morrow he should move the second reading of the bill, and should also submit that the standing orders be suspended in order to facilitate its passing into law.

Lord *Campbell* did not, of course, rise to oppose the progress of this bill, but he wished to give notice, that in committee he should propose to introduce some words for the purpose of supplying what he conceived an omission, in the want of a provision to meet a case where no attempt was made, but where a person came into her Majesty's presence with arms, destructive instruments, or any explosive matter, or thing not exhibited, but with intent to make use of the same against the Queen, her life, or person.

The *Lord Chancellor*, of course, could not be expected to give at the moment any opinion upon the subject of such a clause; but he would promise the noble Lord, that his suggestion should meet with consideration, and he had no doubt but that such an arrangement would be made as would secure for the bill the unanimous concurrence of the House.

Bill read a first time.

Mines and Collieries.] The Bishop of *London* presented a petition from a body of coal-masters, supporting the bill in all its clauses. He strongly approved of the measure on moral and religious grounds, and he earnestly trusted their Lordships would pass the bill without alteration.

The Archbishop of *Canterbury* having presented a petition to the like effect from a body of the inhabitants of the parish of Camberwell, also briefly expressed his high approval of the bill.

The Marquess of *Londonderry* said, this was a measure which affected property to the amount of 10,000,000*l.*, and such a measure should not be hurried through Parliament. It had been said in another place, "Thank God, there is a House of Lords;" which implied an expectation that the bill would undergo careful consideration here. Time should be given to collect impartial evidence—not such as was contained in the 2,000 pages, before the House, obtained from interested persons—but from persons employed in the mines from the lowest to the highest. He wished to correct an impression which seemed to prevail—namely, that this bill had passed the House of Commons on the understanding that some concessions had been made which induced the coal-owners of the north to approve of it. Now he should be able to prove that this was not the case, by the letter of Mr. Buddle, the agent of the coal-owners in the north, in answer to a letter written by Lord Ashley, who appeared to imagine that there had been some departure from an agreement which it was said Mr. Buddle had entered into on the part of those whom he represented. He would first read Lord Ashley's letter, which was as follows:—

"*July* 8, 1842.

"Dear Sir—Your letter has greatly astonished me, containing, as it does, a scheme of projected departure from the engagement into which I entered during my interview with yourself and the gentlemen representing the coal districts; I think I am entitled to, and I therefore request a public letter, to announce the wishes of the proprietors connected with the coal trade.

"I have said nothing about 'underground inspectors'—the Secretary of State has power to send down, from time to time, commissioners to ascertain whether the law be observed: but their jurisdiction will not extend to the discipline of the mines.—Your very obedient servant, "Ashley.

"John Buddle, Esq."

The answer which Mr. Buddle wrote was as follows:—

(Copy.)

"*Newcastle-on-Tyne, July* 11, 1842.

"My Lord—I have the honour to acknowledge the receipt of your Lordship's letter of the 8th instant.

"Agreeably to your Lordship's request that I should announce to your Lordship the wishes of the proprietors connected with the coal trade, I do not think I can answer this inquiry better than by referring your Lordship to the resolutions of the meeting of the united committees of the trade, held on the 13th ult., which contains the instructions given to me when I was deputed to wait upon your Lordship and the other parties mentioned in those instructions, a copy of which I herewith enclose.

"I this day laid your Lordship's letter of the 8th instant before the united committees of the two counties (Durham and Northumberland), who authorized me to say, in reply, that they see no reason for departing from the opinions expressed in the enclosed copy of resolutions.

"The coal-owners object to the alternate days' working, as being likely to involve many practical difficulties. The limitation of the employment of the boys to one month after the passing of the Act, is considered to be too short a period; and prohibiting 'such male persons from being employed during one and the same week in more than one mine or colliery, unless the mine or colliery in which he shall be employed shall belong to the same owner,' is also thought inexpedient.

"The fourth clause (B) of the bill is likewise strongly objected to; and it is for those reasons that the coal-owners are desirous that this bill should not be hurried through Parliament this Session, but that more time should be allowed for the due consideration of the whole subject.

"I regret that there was not time between the meeting at the House of Commons, on the 20th of June, and your Lordship's bill being brought into Parliament, to communicate with the coal committees of the two counties, as, if such communication had taken place, any misapprehension as to the extent of my instructions might have been avoided.

"Your Lordship will recollect, that in the private conversation which I had the honour to have with your Lordship on the 18th of June, I stated that I was not authorised to take upon myself the responsibility of sanctioning ten as the proper age for boys going to work in the pits, on condition of their working only three days in the week, alternately, and therefore begged to refer the discussion of this branch of the subject, together with others, to the meeting at the House of Commons on the 20th.

"I beg to apologize for having troubled your Lordship so much at length.—I have the honour, &c. &c. "J. Buddle.

"The Lord Ashley, M.P., &c."

From this he (the Marquess of Londonderry) should say it was sufficiently clear that these gentlemen had never intimated an intention of not opposing the bill. In the other House of Parliament, the Secretary of State declared that the Government admitted the principle of the bill, and in their Lordships' House the Lord President of the Council said that the Government intended to be passive on the subject. There was here a great discrepancy of opinion, and he thought it placed the Government somewhat in a dilemma. Considering the immense importance of this bill, and the vast amount of property to which its provisions would apply, he thought that the House could not possibly proceed with it at this late period of the Session. Inquiries ought to be made, and practical men ought to be examined; and the House ought not to legislate exclusively on evidence which had been collected by interested parties. All he could say was, that if the House should be of opinion that the bill should be read a second time, it might be regarded as the commencement of a series of grievances which would be got up for the purpose of working on that hypocritical humanity which reigned so much at present, and that year after year they would be beseiged with such appeals as these. He did not wish to treat this as an individual question. He wished to treat it as a national question. This bill would revolutionize the whole of the coal trade—a trade which connected itself with our shipping interest and with our navy—and, therefore, he trusted that the House would pause before it legislated on the subject in the present incomplete and unsatisfactory state of our information. He had thought it due to the coal-owners of the north to make this statement, to prove that there had been no compromise or agreement, as had been stated elsewhere.

The Marquess of *Clanricarde* said, that the noble Marquess had repeated his conviction that there had been no compromise for the purpose of allowing the bill to pass in another place. He held in his hand a letter from a gentleman of the highest character (Mr. Hedworth Lambton), who was present at the interview which took place with Lord Ashley on the subject, and that Gentleman stated that his impression was the same as that which Lord Ashley had formed. No doubt the understanding was, that with certain concessions, the bill would be passed with the support of those who were then present. However, there was a higher light in which the question ought to be viewed, it ought to be viewed as a question of humanity and apart from all considerations of compromises or agreements. He thought it only right to state this, in order to show that Lord Ashley's impression was also shared by another gentleman of the highest character and respectability.

The Marquess of *Londonderry* must protest against the statement made by the noble Marquess, that Mr. Buddle had accepted the compromise on the part of the coal-owners. There appeared to have been some mistake, and no doubt it was an unfortunate one.

The Earl of *Devon* then rose to move the second reading of the Mines and Colleries Bill. The time had arrived when it became necessary that this bill should be opened to their Lordships, in order that their Lordships might know what it was. The ground upon which he intended to ask their Lordships' consent to the bill was entirely independent of anything that had been said elsewhere, or of any admission or agreement elsewhere. Their Lordships were aware that the inquiry which had led to this result had been instituted by commissioners appointed by her Majesty, in consequence of an address from the House of Commons, moved by his noble Friend Lord Ashley, when in opposition to the then existing Government, which Government had appointed four persons, independently of any recommendation of Lord Ashley, and he thought that, looking at the manner in which they had executed their duty, their Lordships would agree with him, that the late Government had been fortunate in their choice. Those commissioners had employed sub-commissioners to make inquiries on the spot. The foundation of the inquiry was perfectly fair. The commissioners thought it right to invite information from all persons willing to afford information, and they wrote a circular letter to all proprietors of mines, so far as they could find them out, and with the circular they sent a tabular form requesting them to answer certain queries relative to the employment of females and children in mines. A considerable number of proprietors did make returns, and many others did not. The sub-commissioners, then, under the instructions of the commissioners, proceeded to make inquiries, and the result had been communicated to both Houses of Parliament by her Majesty's Government, in the report of the commissioners and the appendix of evidence thereto. He had, as was his duty, examined that report and evidence, and he had no doubt that not one of their Lordships who had taken the same course would think that there was not abundant evidence of facts, which no further evidence could alter. When he undertook to move the second reading of this bill, he could not undertake to propose to their Lordships to enact any one of its provisions that was not based upon conclusive evidence, and, believing the bill to be based upon such evidence, he hoped their Lordships would pass it into a law. With respect to the employment of females, if there had been no evidence at all, and if their Lordships consulted only the common feelings of humanity—not spurious humanity, but the common feelings of human nature,—their Lordships would, *à priori*, and without any evidence, consider that the employment of females under ground in mines, under circumstances which afforded no means of regulating the conduct of the persons with whom they were employed, was a practice which it was most desirable to put a stop to. It would, indeed, be infinitely better if the husbands and fathers of these females would refuse to permit their wives and daughters to be placed in such circumstances; but when it was found from experience that the feelings of these persons did not thus operate, and that there was incontestible evidence that females were sent down into mines and placed in situations utterly disgraceful to humanity, their Lordships would feel that it was absolutely necessary for the Legislature to interfere, and by some regulations to prevent so great an abomination. That was a part of the bill in which he was sure their Lordships would concur, and in support of which he begged their Lordships' attenion to a few passages from the report of the commissioners. In that report the commissioners had embodied a good deal of the evidence which appeared in a larger form in the appendix. In page 256 of the report the commissioners stated,

> "That in the districts in which females are taken down into the coal mines, both sexes are employed together in precisely the same kind of labour, and work for the same number of hours; the girls and boys, and the young men and young women, and even married women and women with child, commonly working almost naked, and the men, in many mines, always working quite naked; that in the districts in which females are not allowed to descend into the pits there is a universal expression of disgust from all classes of witnesses at this practice; and that in the districts in which the practice prevails all classes of witnesses bear testimony to its demoralizing influence."

[The Marquess of *Londonderry*: In what colleries does the practice prevail.] Such appeared to be the general result, although he did not mean to assert, nor was there evidence to show, that the practice prevailed in all the colleries. As a wish had been expressed, that this part of the bill should be postponed, he must advert to some further evidence on the subject in order that their Lordships might perceive how necessary it was that something should be done to remove the evil. In page 24 it was stated, as part of the report, that in many colleries in the West Riding of Yorkshire there was no distinction of sexes, and that the women were naked to their waists, and the men entirely so.

Some of the details were so disgusting, that it would not be proper for him to read them. In page 31 of the report, a wish was expressed, that the Government would expel all females from the mines, as their presence gave rise to acts of the greatest indecency. The report then went on to state that which must obviously happen under such circumstances. To the first clause in the bill, therefore, which sought to put an end to such scenes, he was sure their Lordships could have no objection. He at once admitted to his noble Friend, who opposed the measure, that there were many collieries in which those abominations did not exist. [The Marquess of *Londonderry:* Some seams of coal require the employment of women.] He would ask what peculiar seam of coal rendered it necessary to employ grown women instead of grown men? Females had been excluded from the collieries of the Duke of Buccleuch without any inconvenience. That was an important fact, as bearing upon this part of the case. The manager of the Duke of Buccleuch's collieries stated that, since the employment of females had been done away with in his grace's collieries, they had had no occasion to raise the price of coal. He had no wish to prohibit the employment of women immediately. The present was certainly a period when they should not be severe in arrangements of that nature, and he was therefore willing indeed he should propose instead of the words, "Six calendar months," to substitute these words, "First of March, 1843," as the period at which it should no longer be lawful to employ females in mines or collieries. That would give nine instead of six months for making the new arrangements. The second clause in the bill regarded the age up to which males were to be excluded from mines and collieries. Originally the bill proposed that males should not be employed under the age of thirteen. A difference of opinion arose upon the point, and the limitation had been altered to ten years of age. Finding this alteration made, he did not desire to press any opinion that he might entertain on the subject. He would now only observe, that there was abundant evidence to show that it would neither be unfair, unreasonable, nor unjust to prohibit the employment of children under ten years of age. He was aware, that in some collieries as much pains and care as could well be taken were taken with the children employed in them; but he felt, that no pains or care that could be taken would suffice to do justice to children under ten years of age, if they were employed at all. How was it possible, if they tolerated such abuses as these, if they permitted the employment of children of six or eight years of age, that any attention could be paid to their moral or religious education? With regard to the first clause, it might be objected, that at the present period of distress we should be slow to curtail the means of gaining a livelihood by the exclusion of women; but he contended, that in every instance in which females were prevented from obtaining wages by labour in mines and collieries men could be employed, although, perhaps, at somewhat greater expense. He was sure, that, after all, their Lordships would look upon this part of the case as a question of expense, and that it would be perfectly possible for all proprietors of mines who now employed females to work them in the same way, he should say more effectually, although it might cost something more, by the employment of men in their stead. As he had already told their Lordships, the exclusion of women from the Duke of Buccleuch's mines had caused no loss to the public. With regard to boys, he had no doubt that it might be desirable to have a large proportion of them in mines. The bill in its present shape would not prevent that, and where, by its operation, boys under ten years of age would be sent away, and their families deprived of the wages which they earned, other boys above the age of ten would be employed in their stead, and their wages added to those of some neighbouring cottager. Thus the bill, while it prevented certain boys from occupation in the collieries, would open the door in the same proportion to others. It was not uncommon that men who did not wish to labour more than three days a week allowed their families' support to be eked out by the degradation of their wives and children, but that was not a class of labourers to whom they should give particular advantages. From the evidence which was given by the colliers themselves, it was evident that their wives and children should not be sent into the mines and collieries. Women, who were brought up in them, were unfitted to be good wives or mothers, their habits being wholly inconsistent with those domestic duties which it should be the desire of the Legislature to encourage. Their children were necessarily neglected, and never received anything in the shape of moral or religious instruction or example. Upon these two clauses some opposition he believed would be offered, but in that opposition he expected that very few of their Lordships would join. There was abundance of evidence from medical men, showing the bad effects in a physical respect which working in the mines and collieries had upon the women and children, while the evidence of clergymen was equally strong as to its bad effects upon them in a moral point of view. He would also beg to remind their Lordships that hundreds of those persons who were thrown out of employment in the manufacturing districts would be glad to get employment in the mines, and would readily undertake the work from which women would be excluded by the operation of this bill. With regard to the third clause, which regulated the time of employment of persons under the age of thirteen, he would at once state that he was not anxious to press it upon their Lordships. If he were addressing their Lordships at the beginning instead of at the close of the Session, he should propose a committee of inquiry upon this and some other points on which parties concerned in collieries had a good deal to say. He did not feel that the regulation proposed by this clause would interfere with the management of collieries, as some had stated it would, but he must admit that there was not sufficient evidence to enable him to say with perfect confidence that the clause would not operate injuriously. He was therefore not disposed to press for a restriction, of which he must say he did not quite see what the effect would be. He did not say that it might not be injurious, and without inquiry he had no right to say that it would. The particular mode which the clause proposed of regulating the time of labour was adopted from the necessity of the case. The obvious mode would be to say that children should be employed only during certain hours; but with respect to mines that was impossible, as the moment children were admitted into mines they were removed from all supervision. In proposing this clause, therefore, his noble Friend conceived that he was doing what was best for the children, and what at the same time would least interfere with the management of mines. His noble Friend proposed that the children should have at least the alternate day for the purposes of instruction and recreation, in order that they might hereafter be good men and useful members of society. It was not from want of an anxious desire to see these poor creatures protected and employed to their own advantage that he declined to press this clause at present upon the House but because if he were now to ask for inquiry it would not be possible to terminate it. The next clause regarded the appointment of inspectors. The object of it was simply this:—that as the regulations were such as to prevent evidence being obtained in the ordinary way, the Government should, in any particular case where it should deem it necessary so to do, send down persons to visit and inspect any particular mine or colliery, and report thereon in such manner as might be directed by the Seretary of State. He could state of his own knowledge that many of the miners were rather glad than otherwise of the opportunity of having some system of inspection. This subject, however, would be for the committee. The next clause related to the important subject of apprenticeship. He proposed to alter the clause as it stood, by a provision that no person should be taken as an apprentice in any mine or colliery under the age of ten years, and that no apprenticeship should be for a longer term than eight years. This would release young persons bound at the former age as soon as they attained the age of eighteen. In the ninth clause he had felt obliged to make an alteration which he would much rather not have made. It related to the age of young persons to be employed in mines and collieries. He repeated, that he regretted to have been obliged to make an alteration in this respect, but at the same time he felt that it was one on which the owners of mines and collieries, from their practical experience, were entitled to be heard, as to whether or not it was a good provision that no person under the age of twenty-one years should be employed at the winding engines used for the purpose of drawing persons up and down in the mines. He had felt bound to listen to representations that had been made on this subject, and he certainly was most anxious that such a course should be taken as, while it afforded a guarantee for security, would at the same time not be likely to inflict injury and inconvenience on those engaged in the mines. He believed that fifteen was an age at which there could be no danger in allowing the persons usually engaged to work at those engines, and he proposed to alter the bill to that effect. There were some other minor alterations, the details of which he would defer till they went into committee. The noble Lord concluded by moving that the bill be read a second time.

Lord *Hatherton* said, the noble Earl had exhibited so much judgment in the alterations which he proposed, that he did not feel warranted in going on with the motion of which he had given notice, for a select committee to take evidence as to the probable effect of the proposed enactments, which, had the noble Lord pressed forward his bill without alterations, he should have felt bound to press also; but he should have done so without the slightest desire or intention to impugn in any way the strict rectitude, honour, and sincerity of the commissioners on whose reports the bill had been founded. He desired also to bear testimony to the undoubted and exalted purity of the noble Lord with whom the bill had originated in the other House. That noble Lord had had extensive communications on the subject with delegates from all parts of the kingdom; and although they, of course, had not succeeded in inducing him to go the full length of their wishes, they unanimously concurred in asserting that they had never communicated with any individual whose motives were more philanthrophic, or one more sincere in his desire to serve the objects of his benevolent exertions. With regard to the principle of a measure of this kind, although the promotion of religion and of education among the classes affected by it was a paramount object, yet at the same time it was not the only object to which they ought to look. It was quite necessary in legislating on such a subject not to act upon first impressions only, but to consult before doing so the experience and opinions of the masters, and of the working classes themselves. They would have done wrong, therefore, to have agreed to this measure without taking those precautions. Had they done so its first effect would have been the abandonment of several very valuable seams of mineral. With regard to the provisions of the bill, he had never intended to oppose the clause prohibiting the employment of females in mines and collieries under ground; but at the same time it might be worth while to consider whether that rule ought to be rigidly extended to persons of a mature age, who had already been for years employed; as for instance widows, who might have families, and who would, under the operation of such a clause, be deprived of their usual means of supporting their families. This however, was a branch of the subject with which he was not at all practically acquainted, as the employment of females was unknown in the part of the country with which he was connected. He could not have consented to the bill as first introduced in respect of another subject embraced by it, that of the age at which children should be allowed to be employed in these mines and collieries. He was ready, however, to acquiesce in the reduction to ten years. He could never have agreed to the proposed restriction confining the work of the children to alternate days. Those who were acquainted with the actual working of mines declared such a regulation to be utterly impracticable. When trade was bad the miner seldom worked more than two or three days in the week at the most; and, when trade was very good, such were the habits of the miner, that he would not consent to work a longer period, or at the utmost not longer than four days in the week. He was bound to say that the noble Earl's proposed alteration with regard to apprenticeship had already given satisfaction to those with whom he had been in communication. In the county (Staffordshire) which he had so long represented, the practice of apprenticing had become almost universal. There were thousands of young persons apprenticed to mining, for the reason that it was the best trade the district afforded, and the parents of poor children were anxious to bring them up to it. Though the duration of the apprenticeship had hitherto been too long, apprenticeship as a practice was certainly rather popular than otherwise in the district in question. For these reasons he approved of the proposed alteration of the noble Earl, which would terminate at the age of eighteen. The apprenticeship commenced at the age of ten. He would suggest to the noble Earl, whether it might not be well to subject existing apprenticeships to a similar limitation. He believed that the system of apprenticeship was absolutely necessary for the thick mines. Were it to be abolished the contract system would still remain. The collier would contract with the parents for the labour of the children, with this difference, as compared with the apprenticeship system, that the parents would then get all the benefit of the services of the children, instead of the children themselves. Illegitimate children, and orphans too, were gainers by the system of apprenticeship. He also agreed in what had fallen from the noble Earl on the subject of a system of inspection. There would be found to be no opposition on the part of the miners were a commission of inspection appointed. He also quite agreed with the proposed alteration with respect to the age of the persons to be employed, at what the noble Earl had termed the winding engine. Upon the whole, he believed that the noble Earl's alterations in the bill were improvements, and he had to thank the noble Earl, in the name of the delegates with whom he had communicated, for the courtesy with which the noble Earl had treated them, and the good sense with which he had dealt with their proposals; at the same time they, of course, thought he had not gone all the lengths which they desired, especially with regard to the age of persons to be employed. There was one subject which he desired to urge on the noble Earl, which he conceived to be quite germane to the matter, though not included in the bill. He alluded to the almost universal practice of paying the wages of the men at public-houses on Saturday night. This was an almost universal system in the colliery districts. The result of the practice was, besides the demoralizing habits it led to, that the wife could only get a limited portion of her husband's earnings. Some law to put an end to this practice was almost universally demanded in the Staffordshire district. The excellent diocesan of Lichfield saw so fully, on coming to the see, the evils of paying colliers' wages on a Saturday night; that he had exerted himself strenuously to have the practice put a stop to, and he was happy to say the right rev. Prelate had met with considerable success. Indeed, so many important considerations were involved in this matter that he recommended the payment of wages to be made otherwise than on a Saturday night, not only to persons having property in mines, but to all of their Lordships who had labourers to pay on their estates.

The Earl of *Radnor* objected to the bill, because he objected to interferences with the market of labour, or attempting to enforce morality by act of Parliament. As for the Chimneysweepers' Act, which had been cited as a precedent for this description of legislation, he believed from the conversation which he had held with various noble Lords on the subject, that if that measure were now to come before their Lordships it would be thrown out. As for the employment of women in mines, it was an old practice dying away. That appeared from the report of the commissioners. It appeared from that document that this practice was prevalent principally in the Scotch mines and collieries; but there was the evieence of a clergyman, the rev. Mr. Adamson, who said, "I am led to believe that a wholesome change is taking place." If, then, the feelings of the people were making a change in this practice, was it not uncalled for—he had almost said rash, to interfere with those feelings? With respect to the alleged demoralization arising from the promiscuous and unrestrained admixture of the sexes in the mines, were the mines the only places where this took place? No such thing; they had it in evidence, that the cottages in some of the agricultural districts were so constituted that the whole family, young and old, were huddled together in the same room, from which considerable demoralization was represented to originate. If, therefore, they were to legislate to prevent demoralization in mines, they ought to go a step further, and prevent the construction of cottages of this kind. He was from the first indisposed to consider this bill to be necessary; but, after the alterations which had been made by the noble Earl opposite, he thought it was still less necessary. What was the origin of the bill? A great feeling against the mode of conducting the labour in mines had been raised, nobody very well knew why, and then the bill was founded on that feeling. But feeling was at all times a bad ground of action, even in private life, much more to legislate upon. The parties promoting the bill ought to reflect, that in their endeavours to do good it was possible they might cause mischief; for if it passed into a law, great numbers of persons must be thrown out of employment, and the old and helpless, who were dependent upon them for support, would be left destitute. On these grounds, he could not help thinking that their Lordships would do well to throw out the bill for the present. In that case, people might have time to consider the subject; a bill in place of this would not need to be hurried through either House of Parliament—this had been carried with railroad speed through the other House, and above all reference might be made to the commissioners, and their opinions taken on the necessary provisions. The part of the bill relating to the prevention of women labouring in mines was not to come into operation till March next. Why, then, not wait till next Session, and pass a new bill, which could be done by March? [The Earl of *Devon:* The provision, so far as regards females not now employed underground, is to come into operation immediately.] The noble Duke opposite (the Duke of Buccleuch) had the other evening presented a petition, stating that in one mine—the name he did not recollect—females had been excluded, and with benefit to the owners. Now, when this was found to be the case by the public, the owners generally, it was probable, would adopt the practice of excluding females. The change ought to be allowed to come on of itself, or perhaps, it would best be left in the hands of the Poor-law commissioners. Then there was the subject of apprenticeships—a very great point, and requiring great consideration, and on that ground, in his opinion, it ought to be excluded from the bill.

The Earl of *Galloway* said, the right hon. Gentleman the Home Secretary had pledged himself and the Government in his place in Parliament to give this bill their warm and cordial support, and in his opinion, their Lordships ought to know under what circumstances, and under the pressure of what necessity it was, that the Ministers of the Crown in that House found that they were not able to redeem the pledge given by their Colleague. He thought it due to their Lordships that some more explicit explanation of this should be given than had yet reached them. With respect to the bill, he thought that some unwise concessions had been made in the other House. He did not at all concur in the objection that the evidence was not satisfactory; it was collected by a commission regularly appointed, but placed in such a position that of necessity it required to have some latitude allowed it. Of what use was their boasted zeal for education if this state of things were permitted, if opportunity was not to be afforded to the children of attending the schools, or if when they did attend them they were so overwhelmed with fatigue that they were unable to receive benefit from their instruction? Was it fit, too, that after having been taught to pray, "Lead us not into temptation," they should be led to the coal-pit to see everything that was subversive of good morals? He sincerely hoped, for the cause of religion, for the happiness of these poor creatures, for the social well-being of the state, for the character of this country, and for the hope of the Divine blessing on its institutions, that that House would not be over-scrupulous in attending to those who attempted to thwart this measure, and that they would turn their attention to this crying evil. Let it not be said that that House was jealous of the rights of property, but that it was not equally jealous of the rights of poverty.

The Duke of *Wellington* thought it proper to tell their Lordships what were his opinions, and his intentions with regard to this measure. On a former occasion the question under the consideration of the House had been whether or not it was prudent to make further inquiry into this subject before the House should proceed to the consideration of this bill. On that occasion he had stated his opinion to the House with respect to this commission. The noble Marquess (the Marquess of Londonderry) had explained to the House what confidence the House ought to place in the names of the commissioners, and particularly in one gentleman, a member of the commission. He certainly felt a very great respect for that gentleman, as well as for the persons acting under the commission of the Crown granted under the great seal. But he observed that this inquiry had not been carried on by these commissioners—that these commissioners had, in fact, themselves, done none of the business—that the inquiry had not been carried on by one, two, or more commissioners having and exercising the power of administering an oath, but had been carried on by a number of sub-commissioners, properly, no doubt, appointed by the Secretary of State, but not having the power of examining on oath, and that they had made their inquiry under instructions very properly given them by the commissioners, and which their Lordships would find at the end of the two volumes which contained the report. Now, he certainly did think that that mode of proceeding was not exactly in conformity with the intentions announced in the commission granted by her Majesty, and that the evidence was not exactly of the nature which ought to carry with it their Lordships' full confidence; and, therefore, when a bill such as that which had been brought up to the House came before their Lordships, it might be expedient for their Lordships to make further inquiry, and that they should know a little more, and ascertain some points arising from these volumes of evidence which they had before them. He had stated his opinion on a former occasion to the House, and had said, that the report had made a great impression on his mind, and that he sincerely wished to be able to vote for a bill to remedy the evils which were apparent on the face of that report. He believed, that the opinion which he had then stated to the House was pretty nearly the unanimous opinion and wish of their Lordships. He had not heard anybody except the noble Lord (Lord Radnor) who had spoken, and who objected to the bill on other grounds altogether, but who wished to get rid of the facts stated in the report as much as any of them, except the noble Earl (Earl Vane, the Marquess of Londonderry): he had not heard on the part of any noble Lord an objection to some legislation, in order to remedy the evils apparent on this evidence. It was not necessary for him to declare exactly what he should vote for. His noble Friend (the Earl of Devon) had very properly undertaken the conduct of this bill through the House, and in bringing forward the measure that evening he had stated to their Lordships his intention of proposing certain amendments in the bill. When the bill was in committee he should think it expedient to state his opinion on those amendments; in the meantime he intended to vote, and had always intended to vote, for the second reading of the bill — for the principle of the bill—for a measure to remedy the evils which existed, and which appeared from the report. He did not think it necessary to do more at present than to state what his opinion was on the evidence.

Lord *Hatherton* said, that entire credence ought not to be given to this report. He was authorized by four gentlemen who came up from South Staffordshire last week as a deputation from the coal-owners there, employing 1,000 workpeople, to state that the whole of the statement as to the employment of boys in pumping on Sundays was entirely without foundation. The coal-proprietors of South Staffordshire never heard of the commissioners being in their district till they heard of this bill.

The Marquess of *Londonderry* regretted from what had passed that he felt himself compelled to take a line of conduct which he was not at first prepared to take. He understood that the noble Lord opposite had withdrawn his motion for a select committee of inquiry. He was surprised at that, because the noble Lord had said that the bill now before the House was founded on evidence on the table which was falsely represented. [Lord *Hatherton:* I did not say "falsely."] He thought it strange that the noble Lord was now disposed to legislate on improper evidence. He could not understand why the noble Lord had withdrawn his motion. He was afraid there was some compromise, coupling it with what had fallen from the noble Earl (Earl Devon). The bill might be applicable to particular coal districts, but the mines and collieries of the north of England did not require it. The commissioners and sub-commissioners who had furnished the report on which they were about to legislate had not been, according to the information which he had received, at all competent to give their Lordships correct impressions: they were not people of the calibre to do it. The evidence was so full of mistakes that it was impossible that their Lordships could give full credit to it, and he therefore thought it very desirable that his noble Friend should have persevered in his motion for a committee of inquiry. He had statements by him that some of the sub-commissioners were wholly unfit for the duty cast upon them. He was informed that one of the sub-commissioners, named Franks, had kept two hat-shops, one in Regent-street, and the other in the city, and had failed, and that he had afterwards been imprisoned for a libel on the clerk of the Fishmongers' Company. He had other statements respecting the other commissioners, regarding their unfitness for their office, and he could not therefore place any faith in their report. They had got up the evidence by under-hand means, and had finished it with exhibiting upon their Lordships' Table the most disgusting pictorial illustrations that ever were seen. He was opposed to the employment of women in the mines. Great praise had been given to Ireland on that account. It was said the women were never employed there; but there was good reason for that, for the labour of men was cheap enough. But Irish women might be seen in the south of Ireland naked, or nearly so, digging potatoes with their bare feet; and he was sure his noble Friend would admit that that was harder labour than working in the collieries. He complained that this measure had been passed with such haste in another place that time had not been afforded to parties interested in the subject to consider its provisions. He had received a letter from a person at Edinburgh, in which the writer stated that in the collieries in Mid-Lothian it was impossible to employ horses for bringing up the coals from the pits; that women were generally employed in this work, that they brought up the coal on their backs, ascending by ladders, and that they preferred this mode of gaining a livelihood, because by this work they could earn higher wages than by other employment. The writer also stated, that if the women were debarred from gaining a livelihood by this means they would, in a majority of instances, be unable to obtain other employment; and he added, that the collieries at present yielded little profit, and if the owners had to employ men to do the work which was now performed by women, they must require higher prices for the coals, and he believed that eventually many of the collieries would be given up. The colliers, his informant added, were perfectly aware of this, and they were, therefore, desirous that the employment of women should continue; and he stated, also, that the women engaged in this labour were ready to declare before a justice of the peace that they did not object to work below ground, because they were unable to obtain other employment. He believed that if the employment of female labour was entirely interdicted, the result would be that the working of many collieries would be abandoned, and not only the women, but the men who were now employed in them, would be deprived of the means of subsistence. On receipt of the letter to which he had just referred, he wrote to Sir G. Clerk, who was a colliery owner, requesting to know his opinion on the subject. The hon. Gentleman replied:—

"My principal objection to the provisions of the bill is, that Lord Ashley does not allow sufficient time for making the alterations which will be necessary in the collieries if women are not permitted to work in them. Many of our small collieries with which I am acquainted will be altogether abandoned, as the profit derived from them is not sufficient to bear the expense of working them in any other way than that now pursued. In the larger collieries, if women are excluded, there must be in six months a suspension of work, for it will be impossible to change the present system of working them in so short a time. The women, by being excluded from working in the collieries, will be deprived of obtaining the means of subsistence."

He thought these documents afforded satisfactory ground for the belief that the exclusion of female labour would be an injurious measure. He considered that the condition of the female labourers in Ireland — many of whom worked barefooted, and nearly in a state of nudity, in the potatoe-fields—was much worse than that of the women employed in the collieries. With regard to the age at which boys should be employed in these collieries, he thought they were as fit for the work at the age of eight as when they were ten. If they refused to permit boys to be employed in this work before they arrived at the age of ten years, how were the colliers to bring up and educate their children? In most cases the parents were too poor to maintain them, and utterly unable to procure for them any education; and, though he was glad an alteration had been made, to permit the employment of boys above ten years of age, instead of excluding all who were under fifteen, he thought the great body of the colliers were desirous that children should be allowed to work when eight years of age, and he hoped such a regulation would be adopted. He would move that the bill be read a second time this day six months; and as the noble Lord opposite had abandoned his motion for a select committee, he was determined to divide the House on the question, although not more than half-a-dozen noble Lords might vote with him. He hoped that early in the next Session a select committee would be appointed to inquire into this subject; and he had no doubt such a committee would obtain information which would enable Parliament to adopt just legislative measures. He thought, at this late period of the Session, it was not advisable to legislate upon the evidence obtained by the commissioners, in which the noble Duke (the Duke of Wellington) had admitted he placed no confidence, and of which he had expressed his disapproval. He would, therefore, move the postponement of the second reading to this day six months.

Lord *Wharncliffe* said, a noble Earl who had spoken on this subject had inferred that the Members of the Administration in that House had adopted a different course with regard to this bill to that which was pursued by the Members of the Government in another place. It was true that the right hon. Baronet the Secretary of State for the Home Department had stated, on the introduction of this bill in the other House, that the Government was anxious, and that he was also personally desirous, that some alteration should be made in the law on this subject; and the right hon. Gentleman said, that he would give his support to the bill, and that the Government approved of the principle of the measure. What he had stated was, that the Government would be passive with respect to this bill. That was, he believed, the expression he had used. The Government had been passive—they had waited to see what amendments would be proposed—but he believed every Member of the Government intended to vote for the second reading, and to affirm the principle of the bill. He thought that, with regard to this measure, they were legislating on a sudden impulse, and he allowed that this was extremely dangerous. It might be right that the attention of the Legislature should be directed to this subject; but he thought they should give careful and mature consideration to any measure they might adopt to remedy the grievances complained of. It was acknowledged that evils existed, and that means should be taken for their removal; but he was anxious that, before they adopted legislative measures, they should give due consideration to the subject. He must say, with all deference, that he thought the House of Commons had not done its duty with regard to this measure. He considered that an opportunity ought to have been afforded to the owners of collieries and mines, who had an extensive capital embarked in those undertakings, to meet the complaints and statements which have been advanced. It was, he conceived, the duty of their Lordships to consider whether the House of Commons, which had passed the bill now before them, had not only remedied the grievances complained of, but had acted justly towards the parties who were interested in this description of property. He would admit that he was quite prepared to give his assent to this bill, when it was amended, according to the suggestions of his noble Friend; for he believed that the regulations it introduced would operate beneficially. With respect to the employment of females, he thought it had not been satisfactorily proved that it was advisable to prevent women—up-grown women he meant—from working in collieries. If the women employed in this branch of labour were, by the passing of this act, thrown out of work, he thought the measure would not, in many parts of the country be hailed as a boon, for its effect would be to create great distress in numerous districts. He considered, however, that a very praiseworthy anxiety had been evinced to ameliorate the condition of the colliery and mining labourers, and he would give the bill his support. He thought that if they had adopted the regulations proposed by Lord Ashley, with regard to the labour of boys, they would have acted with great injustice. It would, he conceived, have been most improper to interdict the employment of boys until they had attained the age of fifteen years; and he hailed with satisfaction the alteration which had been made, permitting boys of upwards of ten years of age to labour. He did not agree with that provision of the bill, which required that no person under twenty-one years of age should have charge of the engines. He thought this an unnecessary regulation; for he believed that frequently persons of eighteen years of age were as competent—if not more so—to manage the engines, as persons of twenty-one. He must repeat, that it appeared to him—speaking with all respect—that the House of Commons had proceeded in too hurried a manner with regard to this bill, and that they had not afforded time for due inquiry. He thought they had not given an opportunity to the parties interested in this species of property, of answering or explaining the statements which had been made. It had been said on a former occasion, "Thank God, there is a House of Lords." He said so now, and he trusted that justice would be done to all parties.

The Bishop of *Gloucester* would not have risen, if a noble Earl on the other side (the Earl of Radnor) had not advanced the monstrous proposition, that it was not the duty of the Legislature to enforce moral duties, which, he said, should be left to the religious pastor. Now, he apprehended that, as Christian legislators, it was the most important of their duties to enforce morality by legislation, as far as legislation could with propriety be carried to prevent crime and immorality. The chief object of legislation was not so much to punish crimes as to prevent them; and nothing they could do for this purpose could be more efficacious than to provide for the people that moral and religious education by which they best could better their condition. He knew not how this education was to be given to the people if children were to be employed in such occupations from the age of eight years upwards; but, however, he did not wish to do more than protest against the doctrine which the noble Earl had propounded apparently with so much confidence in his own judgment. Some allusion had been made to the term "humanity mania," which the noble Marquess (the Marquess of Londonderry) had applied to the promoters of the measure; but the noble Marquess had been also pleased to attribute to them "hypocritical humanity." He trusted the noble Marquess would, on consideration, withdraw that term, for he firmly believed that higher and purer considerations never actuated any public man than those which influenced the noble Lord who introduced the measure, and those who in either House of Parliament supported it.

The Marquess of *Londonderry* had not intended to allude to the noble Lord who introduced it at all. His remarks applied to those who had misled him.

The Duke of *Buccleuch* wished to say a few words on this subject. He never had women employed in the mines on his property. He had great difficulty in overcoming the prejudices of the wives and daughters of the men; but they had all now united in the testimony that it was best to keep women out of those works. To Mr. Wardlaw Ramsay the credit was due of preventing women from working in mines in his part of the country. The noble Marquess was quite right in saying that some of those engaged in these occupations in Mid-Lothian were opposed to this bill. He had presented a petition, signed by men and women, praying that at all events the women who were willing should be suffered to continue at this employment. They, however, agreed in the opinion that for the future no women should be employed. He was certain that most (he did not say all) those pits could be worked without the use of women. He knew it was objected that those women must be thrown upon the parish. All he could say was, that in his neighbourhood two considerable coal mines had put an end to this practice, and others were proceeding to do so, without any such result. Although the bill had been much altered since it came up from the Commons, he trusted that all the abuses sought to be remedied by the original bill would be duly considered, and that whichever of them were proved would be remedied.

The Earl of *Mountcashell* defended the report made by the commissioners, as he believed no Government would appoint men to engage in such an inquiry unless every confidence was to be placed in their credibility. He was decidedly opposed to the employment of women underground, as also children of such tender years as were now engaged. He was not aware that in districts where no mines existed children of eight years of age were required to maintain themselves; they were fed by their parents, and why should there be any difference made between different classes of labourers? He believed the work in mines to be very unwholesome, and he thought that no child under twelve years of age ought to be employed at it.

The House was cleared for a division, but no noble Lord having seconded the motion of the noble Marquess (the Marquess of Londonderry) no division took place, and the bill was read a second time.

The House adjourned.

HOUSE OF COMMONS,

Thursday, July 14, 1842.

MINUTES.] BILLS. *Public.*—1°· Election Petitions Trial; Court of Exchequer (England); Common Law Courts (Ireland).

2°· St. Asaph and Bangor Cathedrals.

Reported.—Testimony Perpetuating.

3° and passed:—Ecclesiastical Jurisdiction; Chelsea Hospital; Militia Ballots; Military Savings Banks; Sudbury Disfranchisement; Witnesses Indemnity.

PETITIONS PRESENTED. By Sir E. Knatchbull, from Sheppy Union, against the Poor-law Amendment Bill.—By Mr. Ferrand, from Neath, for Abolition of the Truck System.—By Mr. French, from the Grand Jury at Roscommon, for controlling the Expenditure in the Shannon Navigation.—From the Directors of the Dublin Hospital, complaining of the Municipal Corporations Act, and praying for Relief.—From Joseph Count de Golejewski, to be Replaced on the Polish Pension List.

ADMISSION TO PUBLIC INSTITUTIONS.] Mr. *Hume* rose to call the attention of the House to the report of the select committee of June, 1841, on National Monuments, and to demonstrate the propriety of the recommendation contained in that report being fully carried out. This was not a party question. The object which he had in view was one to which, he conceived, no party in that House could possibly have any objection. It had long been made a charge against the people of this country, that they could not be admitted to visit Public Institutions, where there were collections of paintings, statues, and other works of art, without endangering the safety of those precious deposits; and they were, on that point considered to be inferior to the French and other nations of the continent. Now, he was one of those who had, for a very long time, studied the character of the great mass of the people, and he observed, uniformly, that where they were kept at a distance—where little confidence was placed in them—no matter whether it was in affairs of mere amusement, or in matters that were of importance to society in general—he had uniformly observed, that this suspicious distrust of the people led to those very consequences that were deprecated, and which a more kind and generous expression of feeling towards them would assuredly prevent. Until within a very short period all our valuable collections of paintings and work of art were, in consequence of this jealous and distrustful feeling, shut up from the great body of the people. They were prevented from examining those objects of curiosity and instruction to which, in other parts of the world, individuals of their own class were allowed easy access. Some of those places were indeed open; but they could not be entered except at such an expense as confined their inspection to persons in the middle and higher classes of society. A better state of things had, however, grown up of late years; and the experiment had shown, so far as it had been tried, that the English populace might be permitted to enjoy the treasures of art collected in different parts of this metropòlis without those treasures receiving the smallest injury. In June, 1841, he moved for and obtained a committee on this subject. That committee had effected much good; but they were not able, in consequence of the shortness of the Session, to do that justice to the question which they otherwise would have done. He was anxious, however, to place before the House the result of the labours of that committee, in order to show, on the part of the working community, how far the benefits expected to be derived from their recommendations had been realized, and how far it would be proper and beneficial to carry out the principle which, in consequence of the report of the committee, had been first acted on. It was important to the working classes that that principle should be fully carried out. Very many of these individuals had had no opportunity to cultivate the arts o reading and writing. It was not in their power to study at home during the few hours' respite which they had from labour. They were obliged to devote almost all their hours to providing for the wants of their families. They were literally excluded, in many instances, from any opportunity of education. It, therefore, appeared to him, that the opening the doors of these public institutions to the working classes in the metropolis did in itself actually afford a species of education. The inspection of these works of art gave rise to habits of thinking in minds that had never thought before, and thus, in the very outset, a great good was attained. He believed that the character of the working classes in general was in a great degree influenced by the character and conduct of the higher classes; and if the higher classes treated those whom Providence had placed below them with coldness, indifference, or harshness—if they kept them at a distance, like beings of a different species, it was not difficult to see that such conduct must lead to unpleasant consequences. This had been too much the case in this country; and he believed the result of the system had been to place the population of this country in a worse moral position than their continental neighbours. The brutality and rudeness which they every day saw exhibited could not but be extremely painful to those who witnessed it. He would remove this by directing the minds of the people to amusements that were not only harmless but instructive. Ignorance led to crime, and in that respect it was lamentable to observe how degradingly this country was situated, as compared with any other nation in the world. On the committee of 1841 they had the Chancellor of the Exchequer, the hon. Member for Nottinghamshire, and five other hon. Gentlemen, who were now Members of that House, men who advocated different classes of political opinion; and he was free to say that throughout all their proceedings, and up to the close of the labours of that committee, they had only one dissention, and that was with respect to the insertion of three words, whether the British Museum and other Public Institutions should be "open on Sundays." Those who opposed the proposition were afraid that, if these places were open when divine service was being solemnised in the afternoon, the multitude would go to view objects of art and science instead of attending public worship. The answer to this was, that in every class of society a time for amusement and recreation must be set apart. Now, the time when it was proposed to open these Public Institutions, on the Sunday, was the only one of which the poor man could avail himself; and he believed, that for the want of a better mode of employing and amusing themselves on that day, the working classes had recourse to public-houses. Was it not better, he would ask, that instead of besotting themselves in public-houses, the National Gallery, British Museum, and other places of a similar character, should be opened on the Sunday afternoon, where the working classes might amuse as well as instruct themselves? If this plan were adopted, he thought that the working man, with his wife and family, would partake of this innocent enjoyment, instead of, as was now too often the case, the husband proceeding alone to the public-house, where he wasted his money, wasted his time, destroyed his constitution, and demoralised his character. These were the arguments in favour of opening public institutions on the Sunday afternoon. He thought they carried great weight with them. In his mind they were conclusive. Such was the practice abroad. If he went to Belgium or to Holland (and no place was more religious than Holland), he found that, after the hours of divine service, the husband, wife, and such members of the family as were able to go abroad proceeded to the country; or if the weather was not fine, or they preferred it, visited the museums and public institutions, where they examined and admired the splendid collections of works of art or of mechanical ingenuity. But what was the case in this country? Let any Gentleman ride round the environs of London on a Sunday evening, and in every quarter he would see flags displayed from public-houses, apprising the artisan where he might procure beer and spirituous liquors. He did not wish to shut those houses up; but certainly he would not encourage them by preventing the people from having recourse to a more salutary and harmless enjoyment—that of inspecting works of genius. The whole evidence before the committee of 1841 satisfied his mind of the utility of acting on this principle. It proved to him, that if the recommendation of the committee were carried out to its full extent, it would improve the morals and add greatly to the happiness of the industrious, honest, hardworking classes. Great benefits had accrued from opening the public parks. Let any hon. Member visit the Regent's-park next Sunday, and he would behold a most gratifying scene. He would see the whole of that extensive area crowded with families—men, women, and children, happily enjoying themselves. Undoubtedly their constitutions were renovated, their health was improved, in that pure atmosphere; whereas, if they had not such a place to proceed to, if they were compelled to remain in their murky and unwholesome districts, their health would be deteriorated and their constitutions impaired. He rejoiced that so much had been done, but he was anxious that still more should be done; and when the weather did not allow the toil-worn artisan to rove through the fields, he would open to him the various public institutions, and permit him to enjoy the different objects of art that were there assembled. This would do more to sober the minds, and improve the morals of those too much neglected classes, than all the rigour and all the severity with which the more strict religionists would visit them for the purpose of compelling them to act as they did. In respect to promenade accommodations for the inhabitants, the eastern parts of the metropolis had been much neglected. Much good, however, would be effected by the formation of Victoria Park; and hundreds of thousands of artisans living in murky and unwholesome dwellings in the east of London would be enabled to enjoy that air and exercise which those who resided in the western part of the town could at present boast of. A petition had been presented to the House signed by almost all the inhabitants of Bermondsey and its vicinity, praying that a similar park should be formed in that neighbourhood. There was a piece of ground centrally situated with reference to St. George's-fields, Bermondsey, and Lambeth, which could be procured by Government on easy terms, and might be appropriated to that beneficial object. He did not want the expenditure of money, as his object would be by an exchange of Crown property in one place to procure appropriate sites in another. With respect to the improvement which took place amongst the people, by opening up to them the means of innocent and wholesome recreation, he had the testimony of Colonel Rowan, who stated, that since the facilities of this sort were increased one policeman was now found sufficient where ten had been required before; that at Greenwich fair, after which, formerly, the prisons were full of offenders, there were now no riots whatsoever. This, in the Colonel's opinion, was owing to the facilities for recreation which had been afforded, and he recommended that further means should be adopted for forwarding the same object. When, on a former occasion, it was urged that the Museum should be opened during the holidays, the answer was, that the adoption of such a course would be attended with considerable hurt; now that the trial had been made the result was highly gratifying. In the report of 1835 and 1836, Sir Henry Ellis said, there would be great danger in opening the establishment during the holidays, and that the collection could not be kept safe from the crowds which were likely to attend. From the evidence of the same Gentleman it now appeared, that from 16,000 to 32,000 visited the Museum in the course of one day, and during the four years that it had been open to such numerous assemblages, not one instance occurred in which the aid of the police was required, though the changes which were taking place during the time offered great temptation. He had it from the Secretary, that up to the 2nd of July the institution had been visited by 232,778 persons. Amongst the complaints at present made, one related to the exclusion of children under eight years of age, even though under the care of their guardians. These children had to be left in some neighbouring shop with one of the parents, whilst the other visited the collection, and then the person who had charge of the child took his or her turn. Children were now admitted to Hampton-palace. Before that injury used to be sustained, but since then not sixpence worth of damage had been done. That was a fact well worthy of consideration. He was anxious that children should be admitted to the British Museum and to the National Gallery, as well as to Hampton Court, and if it was understood that their parents were to hold them by the hand no injury could be done. A great inconvenience also arose from making parties write their names upon entrance, as it occasioned a crowd in the passage. It was a useless practice, and according to the testimony of the porters and the best informed officers, no benefit resulted from it. He thought it right too, that the King's library should be thrown open to the public. As to the objection that the admission of a great number of people would raise too great a dust, it would be easily obviated by adopting the same precautions which had been taken with respect to that House. At present the Museum was opened only for four days in the week. He imagined that the public might now with great ease and safety be allowed the accommodation of an additional day. Ingress was now afforded to the public up to six or seven o'clock; but the number seeking entrance after five o'clock was very inconsiderable. By gaining the two hours the labour of the persons employed would not be increased, and two hours additional might be afforded to students. He visited the Museum on last Easter Monday, when he found that from 15,000 to 16,000 passed through with the greatest regularity—indeed, he might almost say with the discipline of soldiers. Thence he went to the National Gallery, where he found 13,000 persons had passed through with the same order as at the Museum, and departed with equal readiness when the proper hour arrived. In the year 1840 there passed through the gallery 503,011; in 1841, 538,355; and on the 7th of July of the present year, the numbers given by the Secretary were 370,105. This would sufficiently testify the desire of the people to indulge in those habits which, whilst they gratified, at the same time improved the public taste. Whilst the admission of visitors to the Tower was as high as 2*s*., the sum acquired from visitors was very small, and the visitors themselves very limited. For the last year at that price the number of visitors was 8,000, exclusive of 2,000 admitted on orders. When the amount was reduced to 1*s*. in 1838, the number of visitors was 40,000; the next year, when the admission was reduced to 6*d*. there were 84,000 visitors; the next year 94,000, and the year following, 103,000. At 2*s*. the amount raised for entrance was but 800*l*. in the year, whilst at 6*d*. it was 2,570*l*. Of the sum thus acquired, the Master-general of the Ordnance had been enabled to appropriate 1,059*l*. to the purchase of ancient armour. There was one improvement which he would suggest as respected those who visited the Tower, namely, that they should not be hurried through a hasty inspection, but be allowed the privilege which they had at the Museum. As another example of the good effects of reducing prices, he would mention that when 2*s*. was charged for admission to see the jewels in the Tower, no more than 6,000 or 7,000 persons visited the jewel-office, but after the charge was lowered to 6*d*. upwards of 20,000 did so. It was quite delightful to see the eagerness of the public to visit Hampton Court Palace. He understood it was now common among the working classes for a party to hire a waggon to go there, which they could do for 1*s*. a head, and frequently twenty or thirty waggons would arrive from London in a day, the inmates of which, after having enjoyed themselves in the palace and park, returned to their homes in the evening. He was happy to acknowledge the gratitude he felt for the handsome conduct of Sir R. Stopford, Governor of Greenwich Hospital, in opening the chapel and hall to the public on two days of the week, free of charge, from ten o'clock in the morning to four o'clock in winter, and six o'clock in summer—an act which reflected the highest credit on the gallant admiral. Sailors, who had been formerly obliged to pay, were now also freely permitted to see the records of our naval glory which that institution contained. There was much still to be done to facilitate the access of the public to cathedrals. The committee had proposed that St. Paul's should be opened to the public for two hours every day, not during divine service. It was well known that now, during the hours of service, crowds of persons entered, because they were not admitted at any other time without paying, but whose entrance now was productive of little other result than to disturb divine worship. Mr. Britton, Mr. Cunningham, and other men eminent in art, had borne ample testimony to the strong desire which the public felt to view works of art, and to the entire absence of any disposition to do injury to them, and stated that they might be admitted freely to Westminster Abbey and other similar buildings without the least danger. He had written a letter to the dean and chapter of every cathedral in the kingdom, soliciting that free access might be granted to visitors, and in consequence arrangements had been made in the cases of Norwich, Durham, and Bath and Wells, for the admission of the public at certain times. He hoped that they would have the assistance of the right hon. Baronet at the head of the Government towards opening Public Institutions of all kinds. As an instance of the success of an experiment of this kind, he might mention Newcastle, the museum of which place was visited by vast numbers of persons from the country resorting to the town on market days, and at other times, with the best effects. The Dulwich Gallery, near the metropolis, contained a collection of pictures which had been left expressly for the use of the public, but he regretted that he had been unable to induce the warden to meet the public convenience by opening the gallery; the vexatious regulation of requiring tickets was still kept up, and the consequence was that the poor, as well as many persons of the middle class who had no time or opportunity to procure tickets, were excluded from seeing the gallery. He wished he could say anything in favour of the Royal Academy; but he found them, who ought to be the patrons of art and taste, more inexorable than any others. A sum of 50,000*l*. had been expended by the public to provide them accommodation, and surely the public had a right to derive some advantage from that expenditure. He wished them to permit the exhibition to remain open gratis for a week or a fortnight after those who paid had seen it, or to be gratuitously open for one day in the week during the time the exhibition lasted. He believed them to be the only body in Europe who did nothing towards the promotion of those objects for which it was established. He saw no other course that could be adopted on the present occasion than to address her Majesty, praying for her assistance for the attainment of the objects he had indicated, and he was sure, from the readiness with which she had consented to the prayer forwarded to her soon after her accession relative to the royal palaces, that she would not refuse her aid on the present occasion in the work of humanizing the minds of her people, and disseminating taste. He was perfectly willing, however, to adopt any other course that might be thought preferable; to carry his object was what he wished. The hon. Member concluded by moving,

"That an humble address be presented to her Majesty, praying that she will be graciously pleased to give directions to the trustees of the British Museum and of the National Gallery, to the authorities having charge of the armouries and jewels in the Tower of London, and to all other persons having the management or direction of public edifices and cathedrals, for the adoption of those facilities and improvements recommended in the report of the select committee on public monuments."

Mr. *Ewart* seconded the motion, and recommended that a commission should be instituted for the inspection and preservation of all the national monuments and works of art.

The *Chancellor of the Exchequer* concurred most cordially in the sentiments expressed by the hon. Member for Montrose, as to the importance of throwing open to the public, as far as possible, all those exhibitions and works of art which tended to elevate their ideas to higher objects than those by which they were immediately surrounded, and by improving their taste, contributed so essentially to humanize and elevate their character. The only point in which he differed from the hon. Gentleman was a technical one,—as to the mode in which the common object might best be attained. He agreed that nothing could be more advantageous to the public in the largest sense, than the opening of the parks in the neighbourhood of London. It was beneficial not only to the lower classes, as affording admirable facilities for healthful recreation and enjoyment; but even to those in the higher ranks of society nothing could afford greater gratification than to see their humbler fellow-subjects innocently enjoying themselves, and partaking of those blessings which Providence had placed within their reach. There was scarcely a Sunday he did not himself go to those scenes of enjoyment; not so much for the purpose of his own recreation, as deriving the higher gratification of seeing his fellow-creatures innocently enjoy themselves. The only point on which, as the hon. Member observed, there was any difference of opinion in the committee, was as to the propriety of opening the National Gallery on Sundays; and he, with many others, conscientiously entertained the opinion that the opening of such exhibitions at all on Sunday, and especially during divine service, would be extremely prejudicial to the moral habits and feelings of the people. He knew well that arguments of a religious character were particularly out of place in the House of Commons; and the hon. Gentleman might be disposed to designate the opinion he had expressed as a mere prejudice; he called it an honest, conscientious feeling, but in either view of the matter he would recommend him not to press his motion for an address. Let him take what advantages he could, and leave prejudices to be counteracted by the silent operation of public opinion. Within the last few years great progress had been made in this question, and there was now a readiness displayed by those who had charge of the public, and even of many private collections, to open their doors to all classes of the community, which no interference of that House, by means of an address to the Crown, could have brought about. With respect to the Museum, the hon. Gentleman had proposed that it should be opened an additional day in the week for the accommodation of the public; but it was extremely difficult to hit the precise means of reserving a sufficient time for those who resorted to the Museum to study, without encroaching on the accommodation which he admitted was due to all classes of the community. He believed the desire existed on all hands to accommodate the public as far as possible. The same might be said with reference to the cathedrals. In Westminster Abbey a great reduction of the charge had taken place; and it had, therefore, proved the greatest attraction to a very large body of the people. In common with the hon. Member for Montrose, he wished the Dean and Chapter of Westminster would consent to throw the Abbey open to the public some portion of every day, under proper regulations, but he did not think that object would be gained by the proposed address. There was a natural disposition in mankind to resist the exercise of an assumed authority to which they were not bound to give obedience; and he doubted whether the direct interposition of Parliament, through the medium of the Crown, would not retard rather than accelerate the accomplishment of the great end in view. He would undertake, however, to say for himself and her Majesty's advisers, that they anxiously wished to extend the means of innocent enjoyment to all classes, even to the lowest order of the people; and, as far as they had the direction of public establishments, or any means of persuasion over those who had, they were determined to lose no opportunity of extending the means of access to them on the part of the people. He therefore hoped that the hon. Member, having originated this matter and having obtained a general expression of opinion on the part of the House, would be content to leave the question on that footing, without insisting on an address, which might give rise to opposition on the part of some who could not agree to the full extent of the recommendations of the committee.

Sir *R. H. Inglis* could not admit that the hon. Member for Montrose had obtained a general expression of opinion on the part of the House. In fact, he had yet only received the concurrence of the hon. Member for Dumfries and the more qualified approval of his right hon. Friend. He did not wish that this metropolis should run a race with Paris in the desecration of the Lord's-day. It was not always the case that a high taste for the fine arts and public virtue were necessarily co-existent. The period when the fine arts most flourished in ancient Athens and Rome, and when taste was at its highest pitch, was the time when the morals of the people were most corrupted, and when the greatest abominations were practised.

> " Græcia capta ferum victorem cepit, et artes
> Intulit agresti Latio ;"

and a flood of corruption followed. The hon. Member for Montrose had referred to the Royal Academy, and said that that institution derived 10,000*l.* a year from the public, and had done nothing to benefit their fellow-men. Now, he must inform the hon. Member that the Royal Academy was not a Public Institution, and was not amenable to that House. It was not right to say that a public building had been erected for the convenience of the Royal Academicians, for they had previously apartments in Somerset-house, and on giving them up it was stipulated, that they should occupy the new apartments in the National Gallery exactly on the same footing. If the hon. Member's motion was pressed to a division, he should vote against it, as he was decidedly opposed to opening Public Institutions on the Lord's day.

Mr. *H. G. Knight* regretted that his hon. Friend, the Member for the University of Oxford, should have thought it necessary to throw cold water on the liberal unanimity with which the House appeared disposed to receive the motion of the hon. Member for Montrose. He still more deeply regretted that, his hon. Friend should have gone so far as to launch his anathema against the cultivation of the arts. Were we living in the nineteenth century, or thrust back into the darkness of the middle ages? When his hon. Friend was addressing the House, it appeared to him (Mr. Knight) that he was listening to some venerable monk who was commending Virgil and Cicero to the flames, and doing his best to replunge the country into that barbarism and that ignorance which, we have always been told, is the fertile parent of crime. For his own part, he would cordially support the motion of the hon. Member for Montrose, both for the sake of the cultivation of the arts, and with a view to its moral effect. This country, great in many ways, had not, hitherto, been equally remarkable for its pre-eminence in the arts. Yet commerce was not adverse to the arts, for the arts had been restored to life in the commercial towns of Italy—in Florence, in Pisa, in Venice—and in those towns the arts had flourished more and more in proportion as their commerce had extended. But the truth was, that the arts cannot flourish unless the public at large take an interest in them, and are capable of appreciating their merits—and this was not as yet the case in England. Now, with regard to the moral effect—how desirable was it that the people should have the opportunity of contemplating the sculptured resemblances of those great men by whom their country had been assisted or adorned! It was for this reason that the Greeks and Romans filled their streets and their forums with the statutes of their distinguished men. They knew that the sight of those statutes would supply the state with a constant succession of poets, and philosophers, and heroes. They knew that nature sows the seed of genius in every soil; that in all the walks of life there exist hearts that are " pregnant with celestial fire"—hearts that, admonished by such remembrances, kindle at once, and exalt those who own them to the loftiest heights of virtue and of fame. For these reasons it was his earnest desire that all the doors should be thrown open as wide as possible; and he would further admit that, in cases where public monuments had been raised at the expence of the country, the will of an individual who may be weak, who may be haughty, who may be narrow-minded, should not be permitted entirely to stand in the way of great national objects. He further agreed with the hon. Member for Montrose in opinion, that there would be nothing improper in providing the working classes with opportunities of innocent recreation on a Sunday afternoon. It would go far to divert them from those habits of intemperance, of which we hear such frequent complaints. If a working man went to church in the morning, he would not quarrel with him, if, in the afternoon, he visited the National Gallery, or took a walk with his wife and his children in the parks, where, as he inhaled the fresh air, beheld the blue canopy of heaven, and gazed on the verdure of the lawns and the woods, his thoughts would ascend in gratitude to Him who made them all. But, if the cathedrals of this vast metropolis were thrown open to the public, great care must be taken that the house of God should not be desecrated in any way, nor the performance of divine worship be disturbed: this could only be done by multiplying the nnmber of vergers, and, perhaps, introducing policemen; and the expence of this additional force, as it would be incurred for the accomodation of the public, should be sustained by the public, and not thrown on the chapters. An idea had occurred to him by which public monuments might, in future, be offered to the contemplation of the people, in a manner that would be wholly unobjectionable. He would have spacious cloisters, like the Campo Santo, at Pisa, or a church, like the Madeleine, at Paris, built at the expence of the public, and devoted, hereafter, to receive the monuments of our distinguished men. Into such a building the people might at all times be admitted without any inconvenience. The building itself would be ornamental to the metropolis. He hoped the right hon. Baronet at the head of the Government would take this subject into his consideration, and not disdain to be handed down to posterity as the pericles of his time. His hon. Friend, the Member for Dumfries, had mentioned a subject which, in his (Mr. Knight's) opinion, was well deserving of attention: he had expressed a wish that a commission might be appointed to examine and report upon the state of our cathedrals, and the historical monuments which they contain. But he (Mr. Knight) would prefer an inspector to a commission. Such an officer existed in France, and had been found exceedingly useful. But if such an officer were appointed, the hon. Member for Montrose must so far restrain his economical propensities as not to find fault with the expence which such an appointment would necessarily entail; for such an officer must be a professional man of acknowledged ability, who could not be called upon to give up his time without a liberal compensation; and there would be no use in his making reports unless the recommendations contained in those reports were to be carried into effect. This, however, was a subject to itself—a project which could not be adopted without much and mature consideration. He would leave it in the hands of Government, and content himself with repeating his candid concurrence in the motion of the hon. Member for Montrose.

Mr. *Wyse* said, he had never heard, that giving the humbler classes access to our national monuments, was attended by evil consequences; on the contrary, it was one of the best links between the higher and lower classes. But he would ask the House, whether it was not for the interest of artists, as individuals, that opportunities should be given to the public of improving their taste in works of art by public exhibitions. With respect to the productions of the middle ages, of which this country had so much reason to be proud, he regretted that means should not be taken to preserve them from that destruction to which so many had been consigned, not by the barbarism of our ancestors, so much as by the neglect of the present age.

Sir *R. Peel* hoped, that the hon. Gentleman would not press his motion to a division, but it appeared to him that on technical grounds there was a strong objection to it, because communications between that House and the Crown were of a formal nature, and he thought the hon. Gentleman would feel that to refer the Crown to the report of a select committee, and ask her Majesty to carry into effect the recommendations of the committee, without particularizing what they were, was a course of proceeding not exactly consistent with the respect that was due to the Crown. He was almost inclined to doubt the power of the Crown with reference to the opening of cathedrals, as that remained with the deans and chapters;

and the only effectual way to get ready access to them was to apply to the persons having charge of these buildings to increase the facilities of access. Undoubtedly, access to our national monuments could be afforded, and, in his opinion, the greatest advantage would result from it to the working classes of this country; but it was proposed only as a substitute for dissipation and vice. Now, their whole time could not be absorbed by such exhibitions, and all that he contended for was, to show the public the wonders of the creation, and the works of art, so that their taste might be gradually refined. It was very difficult for the State to come into contact with great masses of the people in granting these indulgences; but if they could in their expenditure attend to the health and improvement of the people it would tend to strengthen the monarchy and our form of Government, and would be giving a new guarantee for the preservation and stability of the State. They would then show the people that in the expenditure of the public money, their interests, their enjoyment, and their improvement were regarded; and when they heard of millions being necessarily raised by taxation for the conduct of the public service, it would not be so much objected to. At the same time, with reference to what had fallen from the hon. Member for Montrose, he must object to the British Museum and National Gallery being opened on Sunday. Why should they refuse to allow those who were employed there one day of rest after the six during which they were engaged? With respect to the charges that were made for admission, one of the arguments in favour of it was, that it was necessary for the purpose of insuring the respectability of the visitors; but he understood that it was rather from the vulgar rich than from the artisans that any damage arose to public monuments; and he referred the House to the evidence printed in the report on the subject in confirmation of that opinion. Much more might be expected to be achieved through the influence of public feeling than by anything peremptory or compulsory.

Mr. *Mackinnon*, as one of the committee whose report referred to this subject, he found himself in the novel situation of concurring with the hon. Member for Montrose. Every facility ought to be given for the inspection of public exhibitions of works of art.

Mr. *W. Cowper* heartily agreed in wishing the cathedrals to be opened to the public gratuitously, as had been the intention of their founders. He was persuaded that no inconvenience would result therefrom, and that the real obstacle arose out of consideration of pounds, shillings, and pence.

Mr. *Bernal* felt very strongly on the question of opening the exhibitions or museums on Sundays. He would ask any one on what other days could our artisans and those engaged in constant servitude find time for enjoying the glorious emanations of genius? It need not follow that the exhibitions should be opened during the hours of divine service; and he was sure that the effect would be beneficial, in affording sources of refined and elevated pleasure in place of other and less worthy ones.

Mr. *Escott* thought, that this was a subject of the greatest moral importance. He agreed with the hon. Member for Hertford that many recreations had been taken from the people, and that no subject was more entitled to the attention of Parliament than that of providing innocent amusements for the people. He therefore cordially concurred in the motion brought forward by the hon. Member for Montrose. At the same time, he thought that there was great danger in making any extensive change against the opinions of the best portion of the people. He trusted, that something would be done to revive the spirit for the games and pastimes of former times, for he was sorry to say, that they were now almost forgotten among the villagers in England, and nothing tended more to promote the health and happiness of the working classes than these innocent out-door recreations.

Mr. *C. Buller* was glad, that a question of this importance had been so favourably received on both sides of the House. He wished to call the attention of the noble Lord opposite to the exceedingly capricious rules by which some of the parks were regulated. The remarks which he had to make would apply to all the parks, but more particularly to St. James's, because it seemed to be the one where the demon of the Woods and Forests most delighted to interfere with the enjoyments of the people. What could be said for the rule which excluded from that park every person carrying a bundle. The keepers very often exercised a wicked sort of malice in this respect—they would let the person walk half-way down the park, and then up would come one of the gentlemen in Lincoln green, and turn the unfortunate individual back. It was only the other day that the hon. Member for Bath, in his way down to the House, and carrying a book and some papers tied with a string, presented himself at one of the gates. One of the gentlemen in Lincoln green came up and stopped him, saying "You have got a bundle, Sir." The hon. Member remonstrated, and carried on the discussion with the keeper on general principles—he told him who he was, and the keeper, having no doubt the fear of the inquisition before his eyes, at last allowed the hon. Member to pass. He thought, the regulations with regard to games were also absurd. The other day he saw four little boys playing at leap-frog in the park, but one of the gentlemen in Lincoln green coming in sight, they all ran away. He went up to the keeper, and asked him if his orders were to prevent the boys playing, and he answered that his orders were to prohibit every game. Could anything be more absurd than such a rule? Then with regard to sleeping in the park. No one, it seemed, was allowed to sleep,

> "Sleep that knits up the ravelled sleeve of
> care."

The moment any one threw himself down on the grass, and appeared as if inclined to sleep, out darted a gentleman in Lincoln green, and told him that he must not sleep there. Now, all these were absurd regulations, and as they interfered with the comforts of the people, he hoped the noble Lord would excuse him for having taken advantage of this discussion to draw his attention to the subject, and he hoped, that the good principles laid down by the right hon. Baronet at the head of the Government with regard to the admission to the Museum and the picture gallery, would be also applied to the admission of the people to the parks.

The Earl of *Lincoln* doubted, whether the House would expect him to answer the hon. Gentleman on the present occasion, and he regretted, that the hon. Gentleman had introduced topics of this nature into the present debate—topics, he might observe, not worthy their discussion. The hon. Gentleman was quite mistaken in supposing that any instructions were given by the authorities to interfere with the innocent enjoyments of the people. The reverse was the case: there existed every inclination in the office which he held to extend the enjoyments of the people, and to facilitate their admission to the public parks. In St. James's park, he had himself done one or two things, which he thought would add to the enjoyment of the people, he had introduced various botanical plants, and had effected a botanical classification of them. The keepers might occasionally have exceeded their authority, but they had no instructions to interfere with the innocent amusements of the people. With regard to the rule respecting bundles, he thought that if persons carrying bundles were admitted, a serious impediment would arise to those persons who went there for relaxation. With regard to the rule against persons being allowed to sleep in the park, he had only to say that the practice had of late been very common, and it had been found necessary to enforce the rule. There certainly was a regulation against admitting persons in a working dress, but there was scarcely a mechanic in London who had not a decent dress, and no person who was decently dressed was ever refused admission. All these rules had been established from a desire not to interfere with the general accommodation of the public, and if the hon. Member for Liskeard had in future any complaints to make, he hoped he would make them to him, and not to the House.

Mr. *Labouchere* could not see what harm there would be in allowing a man in his working dress to pass through the park. It was a bad principle which excluded a man from places of that description merely because he happened to have on a working dress.

The Earl of *Lincoln* begged the right hon. Gentleman to recollect that the rule existed during the whole time that the right hon. Gentleman was a Member of the late Government. No new rule had been made, and any alterations that had been made were alterations of relaxation, and not of obstruction.

Mr. *Borthwick* entirely concurred in the views taken by the hon. Member for Montrose and the right hon. Baronet at the head of the Government. He saw no objection to opening the edifices alluded to on Sunday, and he thought the Church might well afford the expense of keeping them open out of its own funds.

Mr. *Curteis* complained of the barricades erected on Sundays in Westminster Abbey for the purpose of preventing the people getting a view of the monuments.

He complained also of the manner in which the public were driven out of the abbey after the service; the vergers were always telling the people to move on, and no one could get even a glance at the monuments. He hoped the Dean and Chapter of Westminster would imitate the conduct of the Dean and Chapter of St. Paul's in this respect, and he thought the public ought to be grateful to the Dean and Chapter of St. Paul's for having removed the barricades in that cathedral. He thought great advantages would result to the people if these edifices were thrown open, as proposed.

Mr. *Hume* was not surprised that the right hon. Baronet the Member for Oxford University objected to this motion, because he never expected to hear anything liberal from the hon. Member. He was therefore not disappointed in this respect, but he confessed that he was agreeably surprised at the manner in which the motion had been received by the House and the Government. Far from the churches being desecrated by consenting to a motion like the present, he thought they were desecrated at present, by taking filthy lucre for admission to see them, and refusing to admit a man because he was poor. All he wished was that the public should be permitted after divine service to see those noble edifices. After what had been said in the course of the discussion, he would not press his motion, and he therefore begged leave to withdraw it.

Motion withdrawn.

SCHOOLS OF DESIGN.] Mr. *Ewart* rose, in pursuance of notice, to move,

> "That it is expedient that the Government school of design be formed into a central normal school, for the instruction of teachers of design, in communication with other schools of design throughout the country; and that the general recommendations of the committee, which reported on this subject in the year 1836, be adopted."

The committee recommended the establishment of a central school, which should issue casts and books of prints for the use of other schools. This recommendation had been complied with, and casts had been issued, and one book containing the most approved patterns had been sent forth. The commission which was issued to inquire into the condition of the hand-loom weavers, and which sat for two years, made a similar recommendation with regard to designs and patterns. The committee of 1836 further recommended, that there should be a normal school established for the instruction of persons who should afterwards be employed as teachers at the provincial schools. It was his conviction, that it became the duty of the Government to encourage the formation of provincial schools. He did not mean to say, that the Government ought to create them; but that whenever they were established, the Government ought to afford them every facility. The great benefit which these schools were calculated to effect, by encouraging improvements in our manufactures, and enabling us to compete with foreign manufactures, entitled them to the favourable consideration of Parliament and the Government.

Dr. *Bowring* seconded the motion. The superiority of France in the art of design, as applied to manufactures was traceable primarily to the encouragement given to the schools established there for teaching youth the art of design. One great house in Paris, the chief member of which had the order of the Legion of Honour conferred on him by Napoleon, paid 10 per cent. upon their capital for patterns. In another establishment 180 artists were employed to prepare designs; while in the city of Lyons, between 500 and 600 youths were constantly under artistical instructions for improving manufactures. There was a general impression throughout this country, that Parliament ought to countenance and encourage the art of design; and he was therefore glad that his hon. Friend had brought the subject before the House.

Mr. *Gladstone* observed, that the motion of the hon. Gentleman consisted of two parts; the first part referred to the general recommendations of the committee of 1836, and the second referred more particularly to the School of Design now existing in London being constituted a general normal school. With regard to the recommendations of the committee, he believed that every recommendation which could be acted upon by the council of the School of Design had been adopted and carried into operation. There were, indeed, some important recommendations, having reference to changes of the law, which it was not competent for the council to meddle with. But all the subjects contained in those recommendations would, he hoped, be provided for. So far as the general recommendations, therefore, were concerned, he thought he might pass them by. But as to that portion of the motion which went to constitute the London School of Design into a central normal school, the only objection which he could see applicable to so formal a proceeding was, that it would be a title rather more ambitious, and one signifying more than the present experiment in this country could warrant. As regarded the substance and object of the proposition, he believed it was an accurate conception of that which the council of the School of Design entertained. They were of opinion that it was by no means the main purpose of the institution simply to establish a good drawing-school, nor one at which parties might learn the habit and art of applying designs to manufactures. They conceived it rather as the foundation of a school for training teachers for the purpose of carrying out the great object of the Government in encouraging art in various parts of the country, where similar institutions were to be established. He believed that the council had decided upon five places, at which it was their intention to assist in conducting such institutions. It was the opinion of the council that there ought to be six schools of that description. These were as many as they thought advisable to contemplate. With regard to the five places on which they had fixed, they were Manchester, Birmingham, Norwich, York, and Coventry; as to the place where the sixth should be instituted, that was still under consideration. It was the intention of the council to appropriate a sum in aid of these schools. So much with regard to the foundation of a normal school. With regard to the supply of teachers, the council had felt very strongly the difficulty of finding suitable teachers for Schools of Design in London, from the circumstance that the application of art to manufactures was comparatively novel in this country. They had established a probationary class for persons of good character for the purpose of being trained as teachers of design in the provincial schools. It had been also proposed to offer six exhibitions of 30*l.* a year each for open competition; these to be enjoyed for three years. The council of the school now stood upon a more permanent basis than it did last year. Many members had been appointed to it who would afford valuable aid to those who originally belonged to it; and the director of it had borne testimony to the efficacy of the plan on which the school had been established.

Mr. *Labouchere* considered the encouragement of this institution to be an object of the greatest national importance. This school had been instituted a very few years, and, considering how slow necessarily must be the growth of any such institution, he thought its progress, as far as it had gone, was most satisfactory. He hoped a report would be made of the actual state of the School of Design before the end of the present Session. He thought the council had acted wisely in proceeding gradually and cautiously, but he had no doubt that, as the benefit of these establishments came to be felt in the country, there would be an increasing desire, on the part of the people, to participate in the advantages they were calculated to afford. He agreed in opinion with his hon. Friend, that the establishing of a normal school was one most important duty devolving on the council; and he was glad to know that this great object had not been neglected. There was a normal class established, to which great attention would, he was perfectly assured, be paid. One master had already been perfectly qualified, and sent forth to preside over a provincial school. Females were also educated for those departments of manufacture in which their labours were engaged, and he had no doubt that all the benefit that could be expected from an establishment of this description would ultimately be realised.

Mr. *Wyse* said, that one of the first objects of the council, on its formation, was to ascertain whether there was any warmth of feeling existing in the country to acquire the necessary knowledge for the application of art to manufactures. They soon found that there was a very earnest desire on the part of persons in the principal towns of the country, not only to acquire that knowledge, but that there was the greatest anxiety to obtain the advantage of the opportunity and means proposed, and placed within their reach by the Government. The art of design had not by any means been sufficiently followed out as a branch of education, and he hoped that Government would direct their attention to the subject. He had no doubt that the time would come when they would be able to compete in the art with any foreign country.

Mr. *W. Williams* had heard the statement of the right hon. Gentleman the Vice-President of the Board of Trade with much satisfaction. The Somerset-house school would not, he believed, be of much service in promoting design in connection with manufactures. It was impossible to teach persons the art, with the view of the knowledge being applied to manufactures, unless they also had some acquaintance with the species of manufacture to which it was to be applied. As yet no pains had been taken to cultivate the innate talent in the country. The feeling of the higher classes on the subject, their ideas of the want of taste of native manufacturers, had been most detrimental to the cultivation of that taste. He would give an instance of the extent to which this feeling was carried and of its consequences. A manufacturer in Coventry brought out a pattern which he expected would take; he had in fact a very high opinion of its taste, but it proved a complete failure, and he sold off at very low prices a considerable part of the goods so manufactured. It so happened that a French manufacturer obtained the pattern and introduced it as the new French style. It proved quite successful everywhere, and that part of his stock which he was still possessed of he sold at 40 per cent. higher than the price for which he had disposed of the remainder. In many cases, however, he believed that, notwithstanding the tendency of the public taste, that the English designs were superior to those of the continental manufacturers. He trusted that the Government would be liberal in establishing the proposed schools, and that they would consider the advisability of exceeding the number of six.

Mr. *Gally Knight* would only trouble the House with a few words, after the full and lucid statement which had been made by his right. hon. Friend the Vice-President of the Board of Trade; but, as a Member of the new council of the School of Design, he felt it right to assure his hon. Friend the Member for Dumfries, and also the House, that the new council were animated with the same spirit which had guided their predecessors, and that they were diligently employed in carrying into effect all the recommendations of the committee, of which the hon. Member for Dumfries had been Chairman. They had assumed as the basis of their operations, that the school was not to be a common school for drawing, but a school for the practical combination of the arts with manufactures. They had obtained casts from Paris, and of the most celebrated works of art, from which moulds were to be taken, and sent to the branch Schools of Design, which were to be established in the provincial towns. They had begun to issue a periodical work, prepared by Mr. Dyce, the director of the School of Design, with engraved outlines, which would be of great assistance to the scholars. They had examined into the merits of the probationary class, and found that amongst them there were already young men who were sufficiently advanced to be sent down as masters to the schools that were about to be established in the manufacturing towns. In fact, therefore, though the School of Design did not bear the name of a normal school, it was, practically, and in reality, a school for training masters. The council were in correspondence with five towns, in which branch schools were about to be established—Manchester, Coventry, Norwich, Birmingham, and York. The local committees had engaged to bear a proportion of the necessary expenses. He hoped, therefore, that his hon. Friend, the Member for Dumfries, would see that all his wishes had been attended to. These schools, he trusted, would be of the greatest use to our manufactures; and when the hon. Member for Coventry regretted that the British public had not as much confidence as they ought to have in British produce, he would beg leave to remind him that it was but a short time since the School of Design had been established, since which time there had been a decided improvement in the taste of our manufactures; and it might be hoped that, when the public were aware of this, they would give that confidence which they had hitherto withheld. His hon. Friend the Member for Dumfries had stated, that one of the recommendations of the committee had been the encouragement of British artists; and this, he could inform him, was in a way to be accomplished by the appointment of the commission for the decoration of the new Houses of Parliament. At the head of this commission was a Prince, (Prince Albert), who in so short a time had won the hearts of a whole nation, who took the greatest interest in the management of the arts, had regularly presided at the commission, and not only protected the arts, but understood them. Under such auspices his hon. Friend might feel sure that the recommendation of the committee would be carried into effect.

Mr. *Hutt*, having been one of the committee which had originally recommended the foundation of a School of Design, had heard with satisfaction the statement made by the right hon. Gentleman opposite, that Government had recognized and meant to act upon the principle recommended by that committee. In the list of towns in which schools of design were to be formed, he was sorry not to find the name of Newcastle. It deserved to be included for it had done much, by the establishment of local schools, for the encouragement of the art of design. He trusted, that Government would not allow his suggestion to pass without some consideration.

Mr. *Ewart* had heard the sentiments expressed with general satisfaction, and was sure that progress had been made, and made, too, in the right direction. He would withdraw the motion.

Motion withdrawn.

TRIAL OF ELECTION PETITIONS.] Sir *R. Peel* would not preface the motion he was about to make by more than three sentences. On the 22nd of June, 1841, a bill was passed relative to the formation of a tribunal to decide upon the merits of contested elections. The duration of that act was limited to the two Sessions which should elapse after the then pending general election. One of these Sessions scarcely lasted six weeks; it was so short that there was no opportunity of appointing election committees, and the consideration of the petitions against returns at the general election was postponed until the present Session. In point of fact, there had been only one Session since the passing of the act, and he now proposed to bring in a bill which should continue the law as it at present stood, but not for a longer period than the act originally contemplated. The law would expire, as was originally intended, at the end of next Session; and he could not help thinking, that any discussion upon the subject should be for the present postponed, although he knew that the hon. Gentlemen acting upon the general election committee had some amendments to propose. For his own part, he would not say one word upon the merits of the question; but would simply content himself with proposing a bill to continue the operation of the act for the period originally contemplated. The right hon. Baronet then moved for leave to bring in the bill.

Lord *Mahon* said, the intention he had entertained of moving an amendment to the proposition before the House was greatly modified by the length to which previous discussions on the subject had been carried. He doubted whether he should be treating the House with due respect were he, under the circumstances, and so late in the evening, to submit an amendment to a motion of such importance as that now before the House, but he must say, that when he gave his notice of amendment, he did not know that the motion was such as it was now explained to be, namely, the prolongation of the operation of the existing law for one year only. There was nothing in the terms of the notice of motion to indicate its purport; and until very recently the impression in his mind was, that the right hon. Baronet intended to continue the act, not for another year, but to propose that the act, which had only been temporary in its nature, should be permanent. It was under that impression that he had now given notice of his intention to propose an amendment. He thought the right hon. Baronet had pursued a judicious course in proposing to continue the act for only one year; and he hoped that when it came on for discussion it might be at a period of the Session which would admit of its full consideration.

Mr. *Sheil* had been a member of a committee under the act in question, during the proceedings of which he had had an opportunity of forming some judgment as to the working of the law; and he had had occasion to remark how important it was to have some legal gentlemen to direct the committee on questions where men who were really most anxious to arrive at the truth and justice of the case were much at a loss to come to a sound determination. There were nice points of evidence on which the chairman felt some hesitation in pronouncing, and in which persons unacquainted with legal science were at a loss what course to follow. Perhaps if the aid of the Masters in Chancery was to be called in, the effects would be beneficial, but, at all events, he was sure that these tribunals would bring the House into disrepute, if some legal assistance was not afforded to them.

Mr. *Bannerman* differed from the right hon. Gentleman as to the necessity for legal assistance. He thought, that in the cases referred to, after a little discussion, the committee were enabled to come to a sound decision.

Sir *R. Peel* must say, that he had proposed a bill of very limited duration, not from the slightest doubt that it was not necessary for the House, in order to preserve its own character, to keep its jurisdiction in disputed elections in its own hands, but he had adopted the course which he had pursued, because, from the advanced period of the Session, and the general anxiety of Members to leave town, he did not wish to propose any extensive changes in a measure of such importance.

Leave given. Bill brought in and read a first time.

Naval Promotions.] Mr. *Hume*, in rising to move for some returns relative to Naval Promotions, of which he had given notice, said that the system of Naval Promotions was so extravagant and unjust, that if once fully understood by the public it could not be continued. He wished for full information on the subject, and he was sure it would show that the navy was a complete pension-list of the aristocracy. He found that there were 2,879 lieutenants on the list in the Royal Navy, and the average period of their service was five years, six months, and twenty-seven days. For that length of service 2,879 lieutenants received half-pay. There were 807 commanders, of whom 419 had never been employed since they were promoted, and upon an average of the whole, each had only served eleven months and two weeks. There were 683 captains, on the list, of whom 313 had never served a day since they were promoted, and the average period of service had been two years, two months, and ten days. The average period since each was employed was twelve years and seven months, 249 had been receiving pensions from twenty years to fifty-five years. Those facts showed a wasteful and extravagant system of promotion, having no just relation to the wants of the service. The hon. Gentleman concluded by moving, that there be laid before the House

"Copy of the last patent constituting the commission for executing the office of Lord High Admiral, with a return of the names and rank of the persons constituting that commission, and the pay and allowances of each, and whether they occupy the houses appropriated for them by Government.

"Return of the names and present rank of the naval Lords of the Admiralty, stating their age at the time of their entry into the service, and the date of such entry: the date, and where they passed their examination for lieutenant, and copy of certificate of such examination; the dates of their promotion to each rank, and the number of officers passed over by such promotions, stating the period which each has served in commission in each rank.

"Return, showing the services of all flag officers in the navy promoted since the 29th day of June, 1838, stating the date of entry of each officer into the service, and the date of the several commissions which they have obtained, distinguishing the period passed in commission in their respective ranks, the period on half-pay in each rank, and the total period on full and half-pay; and showing also the period when and in what ship each was last employed, and the age of each officer at the date of last promotion (in continuation of the returns No. 6 of Appendix in the Report of the Commission of Naval Inquiry, 1840)."

Sir *G. Cockburn* said, that it was a most unjust aspersion on the half-pay officers to call them pensioners. As to the large number of officers, it might be readily accounted for, when it was called to mind that, at the end of the war, there were upwards of a thousand officers whose services being no longer required, they were placed on half-pay. In the case of the admirals, too, several had been appointed to the rank without receiving the additional pay. It was not the fact that the total amount of half-pay had increased; on the contrary, it had decreased. He had no objection to give a copy of the last patent, but he objected to the second paragraph. As to the other return, he did not object to give part of it; but he thought it quite unnecessary to give the personal details required, as to time of service, and so on.

The first part of the return for a copy of the last patent was agreed to. The second paragraph of the motion was withdrawn.

On the last paragraph of the motion to which Sir G. Cockburn objected—The House divided:—Ayes 23; Noes 99: Majority 76.

List of the Ayes.

Aglionby, H. A.
Aldam, W.
Brotherton, J.
Cobden, R.
Crawford, W. S.
Curteis, H. B.
Duncan, G.
Duncombe, T.
Etwall, R.
Ferguson, Sir R. A.
French, F.
Hindley, C.
Johnson, Gen.
Lambton, H.
Morris, D.
Muntz, G. F.
Norreys, Sir D. J.
O'Connell, J.
Plumridge, Capt.
Russell, Lord E.
Somerville, Sir W. M.
Thornely, T.
Wood, B.

TELLERS.

Hume, J.
Pechell, Capt.

List of the Noes.

Allix, J. P.
Antrobus, E.
Arkwright, G.
Bagge, W.
Baird, W.
Baring, hon. W. B.
Baskerville, T. B. M.
Blackburne, J. I.
Borthwick, P.
Broadley, H.

Broadwood, H.
Bruce, Lord E.
Buckley, E.
Burrell, Sir C. M.
Burroughes, H. N.
Campbell, A.
Chetwode, Sir J.
Clerk, Sir G.
Cochrane, A.
Cockburn, rt. hn. Sir G.
Codrington, C. W.
Corry, rt. hon. H.
Cripps, W.
Damer, hon. Col.
Darby, G.
Douglas, Sir C. E.
Douglas, J. D. S.
Duncombe, hon. A.
Eaton, R. J.
Eliot, Lord
Escott, B.
Feilden, W.
Ferrand, W. B.
Fitzroy, Capt.
Flower, Sir J.
Ffolliott, J.
Forbes, W.
Fuller, A. E.
Gaskell, J. Milnes
Gordon, hon. Capt.
Gore, M.
Gore, W. O.
Goulborn, rt. hon. H.
Greene, T.
Grimsditch, T.
Hamilton, W. J.
Hanmer, Sir J.
Hardinge, rt. hn. Sir H.
Hardy, J.
Hastie, A.
Henley, J. W.
Henniker, Lord
Herbert, hon. S.
Hervey, Lord A.
Hodgson, F.
Hodgson, R.
Howard, P. H.
Hughes, W. B.
Hutt, W.
Jackson, J. D.
Jermyn, Earl
Jolliffe, Sir W. G. H.
Jones, Capt.
Knatchbull, rt. hn. Sir E
Lefroy, A.
Lennox, Lord A.
Lincoln, Earl of
Litton, E.
Lowther, J. H.
Mackinnon, W. A.
Mainwaring, T.
Manners, Lord C. S.
Morgan, O.
Nicholl, right hon. J.
Norreys, Lord
Northland, Visct.
Pakington, J. S.
Palmer, R.
Palmer, G.
Patten, J. W.
Peel, rt. hn. Sir R.
Peel, J.
Plumptre, J. P.
Pringle, A.
Rolleston, Col.
Scott, hon. F.
Seymour, Sir H. B.
Somerset, Lord G.
Stanley, Lord
Stuart, H.
Sutton, hon. H. M.
Thompson, Ald.
Trench, Sir F. W.
Tyrell, Sir J. T.
Verner, Col.
Vesey, hon. T.
Waddington, H. S.
Wood, Col. T.
Young, J.

TELLERS.

Fremantle, Sir T.
Baring, H.

STAMPS AND ASSESSED TAXES.] The *Chancellor of the Exchequer* moved the Order of the Day for the House to resolve itself into a committee on Stamps and Assessed Taxes.

Mr. *John O'Connell* rose to move the amendment of which he had given notice, namely a resolution to the effect, that, considering the heavy existing taxation of Ireland, it was not not expedient to increase the stamp duties in Ireland. He felt the full disadvantages and difficulties before him—first, from the lateness not only of the period of the Session, but also from the lateness of the hour (twelve o'clock). He was not, however, to blame for this, as he had been patiently waiting during the Session for an opportunity, which the Government had not given till then, although to convenience the Government he had given way last March on the resolution respecting Irish stamp duties; having done so on the understanding, as he conceived, that Government would have given a speedy opportunity of discussing the principle of that resolution. As to the lateness of the hour, he was only complying with the wish expressed to him by several Members, to have his amendment disposed of as soon as possible, and also with an intimation he considered he had received of the convenience it would be to the Government. He had to deal with a most intricate subject, and therefore should claim the indulgence of the House. Another formidable disadvantage under which he laboured was his want of experience in dealing with financial matters, especially when contrasted with the long experience and financial skill with which he was provoking a contest. It might be asked why he had not made a motion against adding to the taxation of Ireland on the bringing in of the Spirit Duties Bill. But he had refrained, as he heard that a large number of that most respectable body, the Irish Distillers, were in London then, endeavouring by private remonstrance to obtain some alleviation of the grievances under which they laboured; and any public opposition might indispose the Minister to attend to them. He regretted to say that he believed that, notwithstanding this forbearance, the distillers did not obtain the redress they sought. He came now to his subject. His simple statement was, that Ireland had been taxed too much, and ought not to be more taxed. To make his case it was necessary to go into some details. The existing financial arrangements between Great Britain and Ireland were founded upon an act passed in 1816, for consolidating the two Exchequers, and rendering them liable to indiscriminate contribution, by equal taxes, to the united expenditure. Before that act their contributions were in the proportion of two parts for Ireland to fifteen parts for Great Britain. These proportions were fixed by Lord Castlereagh at the Union, although much protested against at the time by the Irish lords and others, as imposing too high a rate of contribution upon Ireland. Lord Castlereagh himself allowed at the time that he was not satisfied as to its justice; but it was not necessary to dwell on this point, as presently he (Mr. J. O'Connell) would be able to bring forward the opinions of Members of the Government in 1816, condemning the 2-17ths for Ireland as unjust and oppressive. The arrangement of the debts at the Union, and up to 1817, was, that each country should separately provide for its debt previously contracted. Lord Castlereagh said, in 1800, that a perfect consolidation and union in financial matters was then impossible, consistent with common justice to Ireland, as her debt was so much smaller than that of Great Britain, the Irish debt on the 5th of January, 1801, as represented by the annual charge upon it, requiring annually only 1,194,000*l*., while the annual charge on the British debt was then 16,600,000*l*. This was the case, notwithstanding that the Irish debt had been most grievously and unjustly swelled, especially during the three preceding years, by her being called on to pay the expenses, first of the fostering by the Government of the rebellion, and afterwards of the putting it down. But he would not go into matters that occurred before the Union, as his present motion had nothing to do with the discussions on that measure. The question of the repeal of the Union was too grave and important to be based upon a question of pounds shillings and pence; and his present motion was to redress financial grievances, which should be redressed whether the Union were repealed or not. Lord Castlereagh further said that at the Scotch Union a consolidation was effected by giving Scotland a money-compensation for taking on her the English liabilities, but that this was impossible in the case of Ireland, as the debt of the latter country was so much inferior to the British. He said, however, that as England might be able to reduce her debt—that, if she did so, in the course of some years, so far down, at least, as to bring it to bear no higher a proportion to the Irish than that of their rates of contribution, it would be well in such case to leave the Imperial Parliament the power of effecting the consolidation. Accordingly the act of Union provided, that whenever the two debts should come to bear that proportion to each other, the consolidation might take place; provided however, also, that a second condition should occur at the same time. This second condition was, that the respective circumstances of the two countries should appear at that time to justify their being called upon henceforth to contribute, indiscriminately, by equal taxes in each. Thus, Ireland seemed to have two safeguards against being made at any time liable for the excessive debt of Great Britain; first, in Lord Castlereagh's explanation that the manner in which the required proportion between the two debts was to be attained, should be by the reduction of the British debt, not by the increase of the Irish; and secondly, that no step could be taken in the contemplated consolidation unless the respective circumstance of each country should appear to justify equal taxation—in other words, until the ability of Ireland to bear taxation should have much increased. But the House would scarcely believe that the first of these conditions was attained by the wanton and flagitious increase of Irish debt, and not by any decrease of the British; and, as to the second condition, it was not taken into consideration at all. Thus he contended, that the act of consolidation was totally illegal and void, as it violated the expressed intentions and views of its author, Lord Castlereagh, with regard to one condition, and as it was carried without reference to the second condition. The latter did not exist, and could not have been said so to do; as the very increase of the debt of Ireland, under a limited system of taxation, was in itself a proof of her inability to bear the same taxes as Great Britain; and even that limited system of taxation was too high for her. The present Lord Fitzgerald and Vesci, President of the Board of Trade, was, when Chancellor of the Irish Exchequer in 1816, the mouthpiece of Lord Castlereagh's Government, in proposing the consolidation of the exchequers, and in doing so he thus denounced the injustice of the Union rate of contribution imposed upon Ireland, and its grievous effects upon her:—

> "I hope it will not be said that Ireland throws a great burden on the empire to save herself. Oh, no! The necessity of reviewing the act of Union has been caused by the sacrifices she has made, doing her best to keep pace with you. You contracted with her for an expenditure she could not meet. She had been led to hope that her expenditure would be less when united to you than before. She has absolutely paid more in taxes since the Union than seventy-eight millions, being forty-seven more than her revenue in the fifteen years on which her contribution was calculated."

Thus the Government itself, in 1816, confessed that the rate of contribution was too high. But the present Chancellor of the Exchequer bore witness himself to the same fact. In 1822, when speaking to a motion of Sir J. Newport's, the right hon. Gentleman himself said—"The Union contribution of 2-17ths for Ireland is now allowed on all hands to have been more than she was able to bear." He should content himself, and he thought the House should be content with these admissions, coming as they did from two Gentlemen high in office at present, and one of them in that House. Thus the Union rate was established to have been unjust, and being so, the consequence necessarily follows, that the increase of Irish debt between 1800 and 1837 was unjust, it having been caused by the inability of Ireland to meet the unjustly grievous rate in question. What ought to have been done instead of consolidation of the Exchequers was, to have lowered the rate of contribution for Ireland, and to have made some arrangement by which the burden of the unjust increase of her debt since 1801 should be taken off her shoulders, at least for the greater part. But, instead of this measure of justice, the consolidation was forced on, although, as he had before shown, one condition of that consolidation was wrongfully and iniquitously attained, and the second condition was shamefully and totally disregarded. The consequence of that consolidation of the Exchequers have been to Ireland the increase of her taxes—the liability to further increase at the will and pleasure of England—the being compelled at present to a large portion of the payments on account of the British debt contracted before the Union—a debt with which she was promised by Lord Castlereagh in 1800 that she never should have anything to do. Finally, the consequence has been, and is, to Ireland, that from that hour she became, and is now, mortgaged in every acre and every one of her resources for the whole amount of the enormous debt of Great Britain, and no matter what may at any time be her surplus of revenue it must go away from her and into the coffers of Great Britain. But the consolidation had been a great gain to Great Britain. In the first place, she obtained what was in itself a most important benefit — namely, the security to her national creditor of the present and future resources of Ireland. And then she has been able to relieve herself of much of the separate taxation which she was previously compelled to endure. This would be seen by examining into what was the utmost that could be set down for the separate taxation that is so much talked of at present. In excise she pays on hops, bricks, soap, post-horse duty, and licenses, &c., about 1,700,000*l.* There is then the product of her duties on home spirits, which are much higher than the Irish, and may be about 2,200,000*l.* In stamps she pays on newspaper supplements, medicines, cards, dice, stage and hackney coach licenses, &c., 560,000*l.*, and by higher rates than the Irish on other items of stamps she pays a further sum of nearly the same amount. Land and assessed taxes gave last year 4,700,000*l.* The total of all these was 9,600,000*l.*, which he took to be even an exaggerated statement of the British separate taxation, but his endeavour was to take the case as strongly against himself as possible, as he thought the case of Ireland so strong that it could afford to be understated. But although he would not disturb the exaggerations in the statement he had just read, he should say there were deductions to be made from the total of 9,600,000*l.*, on account of what are called in the finance accounts "drawbacks, repayments, allowances," upon the duties mentioned in the statement. Thus, for instance, hops, on exportation to Ireland, have the duty remitted upon them, or in other words, the duty is paid back by the Government to the exporter. Again, a portion of the amounts he had read were really paid by Ireland, as money went from Ireland to effect insurances in England, and as stamped medicines, cards, and some minor articles of stamp duties were imported from England paying the duty there. There was also what was in fact an unrcedited contribution from Ireland in the benefit the British Exchequer receives from the expenditure in Great Britain of millions of Irish absentee rents. He thought he was not saying too much when, taking all these deductions into account, he considered they amounted to at least 600,000*l.*; and that, therefore, the separate taxation of Great Britain did not, at the very outside, exceed a nett amount of 9,000,000*l.*, and he believed they were really less. But, taking them at that sum, see how the case stands:—

Annual charge of the British debt contracted before the Union (see Par. Paper 256, of 1824) ..	£16,600,000
Separate taxation of Great Britain	9,000,000
Excess of annual charge ..	7,600,000

This amount of British debt, over and

above her separate payments, she, by the powers given her by the Consolidation Act, compels Ireland to assist her in paying although at the Union Ireland was strongly and repeatedly assured she should never have anything to do with the British debt contracted previous to the Union. Such being the benefit to Great Britain, what did the consolidation do for Ireland? It is pretended that she got great benefits, as it abolished the unjust and universally-condemned rate of contribution the Union had put upon her; and further, that Great Britain took on herself the burden of the increase of the Irish debt between the Union and 1817. But as to that increase, it having been declared and admitted to have been unjust, no argument can be fairly founded upon the burden of it having been taken off; and especially when its amount, viz., an annual charge of 2,700,000*l.*, was such moderate purchase money for getting the security of the resources of Ireland for the whole enormous amount of the British debt. He trusted now to show, that notwithstanding that the Union rate of contribution had been condemned, and that at the consolidation it was declared that Ireland should be released from that unjust and condemned rate, yet she has since been forced to pay, at the very least, as much as that rate. To show this he had taken the average of the revenues of the two countries during the twenty-five years, since 1817, with, also, the average of their united expenditure, and of the charge of their united debts; and, deducting the latter from their united expenditure, had got the amount of expenditure common to both, on which he had calculated the average of their respective contributions, taking the Union rates in each. It was necessary to premise that the respective amounts of income in the calculation should be altered by taking into account the uncredited payments by Ireland on articles chiefly of customs' revenue, which she imported from England, paying the duty there. These latter payments were different from the uncredited payments he had before spoken of, which were under heads under which Ireland was supposed to pay nothing at all. But those he now would speak of were upon items on which the rates of duty are the same as in England. The late Lord Congleton, in his "Financial reform," estimated these at 300,000*l.* annually, and did not include in his estimate any portion of the customs' receipts on tea for consumption in Ireland. Those receipts were, at the time he wrote, and for some time after, credited to the British revenue, and amounted then to nearly 500,000*l.* Neither did he include the Irish quit and Crown rents, which, by a paper of the present Session, No. 222, continuing a former return, have averaged about 65,000*l.*, annually, since the Union. As to the present uncredited payments by Ireland on foreign articles imported through England, it was only necessary to compare the details of foreign imports into either country, in this year's finance accounts. On some articles of common consumption, there appeared no receipt whatever in the Irish list; on others a receipt of 1*l.*, of 5*l.*, of 16*l.* or 20*l.*, while the English receipts on them amounted to many thousands—in some to hundreds of thousands. Thus there must be an uncredited payment by Ireland upon such articles; or, if that were contested, and that the amount in the Irish list was held accurately to represent Irish consumption, then a most convincing argument was furnished of the utter inability of Ireland to bear further taxation, when she was so poor, as only to consume those articles to the amount stated in her lists. Under all these circumstances, he did not think he was overstating his case, in taking the aggregate of the Irish payments uncredited to have amounted to an annual average during the twenty-five years of 400,000*l.* Subtracting this from the average of British income, and, of course, adding it to the Irish, the twenty-five years' averages will stand thus. British income, 49,671,330*l.*; Irish ditto, 4,930,473*l.*; united expenditure, 53,198,413*l.*; charge of united debts, 29,363,422*l.* Subtracting the charge of debts from the expenditure, we have 23,834,991*l.* as the amount of common expenditure—viz., that on which, according to the terms of the Act of Union, the amounts of contribution were to be calculated in the ratio of two to fifteen, or two-seventeenths for Ireland. Now, first take the case, that England took off the burden of the Irish unjust increase of debt between the Union and 1817, there will remain 1,194,000*l.*, being the charge of the Irish debt at the Union. Subtract this from the amount of Irish income, and there will remain 3,736,473*l.*, which has gone to England, and which will be found to amount, not to the condemned proportion of two-seventeenths, but to the far higher and more grievous proportion of two-twelfths of the common expenditure. But, if we take it on the ground that Ireland should not be totally absolved from the whole amount of her increase of debt from 1801 to 1817, but that that amount should have been shared between the two countries, the following would be the result—taking, as before, the annual charge to represent the debt, for the sake of the convenience of the calculation. Charge of the Irish debt on 5th of January, 1801, 1,194,000*l.*; charge of the Irish debt on 5th of January, 1817, 3,927,000*l.*; being an increase of 2,733,000*l.*, or 229 per cent.; whereas, the charge of the British debt in the same interval had only increased from 16,600,000*l.* to 27,750,000*l.*, or 67 per cent. Now, he would show what would have occurred had the arrangement been that an increase equal in proportion to the British, should be paid for by Ireland, and that the excess of her increase above that, was to be put on the two countries in the proportion of their rates of contribution :—

Irish debt charged at the Union	£1,194,000
67 per cent. increase, up to the year 1817, as in England ..	799,980
Add 2-17ths of the excesss of increase (viz., 1,933,020*l.*) ..	227,414
Total average for 25 years debt liabilities of Ireland	£2,221,394

A deduction, however, is to be made as follows :—The charge of the United debts in 1837 was 31,677,000*l.*, and it is now no more than 29,450,110*l.*, showing a decrease since 1817 of 2,226,890*l.* It would be only fair in the calculation to give Ireland at least two-seventeenths of this reduction, which would amount to 261,986*l.*; and this sum subtracted from the debt liabilities of Ireland, would leave only 1,959,408*l.*, after providing for which, the Irish income would give still 2,971,065*l.* to meet her proportion of the common expenditure. Two-seventeenths of this common expenditure would be 2,804,116*l.*, leaving a surplus of Irish income over expenditure of 166,949*l.*, which surplus is the one-eighth of the surplus of the united income over the united expenditure on the average of the twenty-five years since 1816. Thus, he contended, that even under the harsh and stringent arrangement he had supposed, it would be found that, in reality, the consolidation had not relieved Ireland from the condemned rate of contribution; while under any more favourable arrangement—such as that asserted by the defenders of the consolidation—namely, that England kindly took the whole burden on herself of the unjust increase of the debt of Ireland—it would be found, that the latter had been forced to pay not two-seventeenths, but two-twelfths of the common expenditure. Where, then, was the benefit of the consolidation to Ireland, or rather, where was not the injury? If in consequence of it the British market was more freely opened to the Irish corn and cattle, that was a benefit to England herself, and besides, she took care, in return, to get the command of our market for her manufactures. But an argument might be raised, that as he had shown that Ireland since, 1817 had at least paid the Union rate of contribution, which same rate she had been found unable to pay before 1817, therefore, that he had proved her to have increased in ability. But this was not the case; she had not paid that rate since because of greater ability than before, but because the expenditure of the empire had materially diminished. That expenditure diminished 26,000,000*l.* the year that the Consolidation Act came into force, and even the heavy expenditure of the year 1841 was 14,000,000*l.* less than that of 1817, making a total of reduction of expenditure since 1816 to the present time of 40,000,000*l.* It was this reduction which enabled England to drain from Ireland the full amount and more of her Union contributions to the common expenditure. But the expenses of Great Britain are on the increase, and the Consolidation Act gives her the power of unlimitedly drawing upon Ireland. The latter will be again rendered bankrupt as she was before, and therefore it was, that he thought it was time to protest, and that Ireland should demand at least some modification of the Act of Consolidation, if not its total repeal, on the grounds of its undeniable illegality and grievous oppression to Ireland. The hon. Member quoted the expressions of the late Lord Sydenham, in 1830, denouncing the financial injustice with which Ireland had been treated, and showing that an increase of taxation upon her had led to an alarming decrease of revenue, owing to the exhaustion of Ireland. He also quoted from the report of a finance committee in 1815, to show, that while the taxation of Great Britain from the Union, including not only permanent taxes, but also the extraordinary and war taxes, had increased only as twenty-one to ten, the permanent taxation of Ireland had increased as twenty-three to ten. He also stated some figures from a parliamentary return of the year 1820, showing the number of notices in the two or three preceding years to the commissioners of assessed taxes in Ireland, of the intention of persons paying those taxes, to give up the objects of them, such as carriages, horses, servants, &c.; in consequence of which notice the assessed taxes in Ireland became unproductive, and were consequently given up. He gave those quotations to show the efforts that had been made to tighten the screw of taxation in Ireland, and the result always was, to diminish the receipts of revenue, and to impoverish Ireland more than before, as would be found to be the case again if her taxes were now increased. If she ought to be made to contribute to the growing expenditure caused by the rather questionable wars into which Great Britain had plunged, she ought, at any rate, to be relieved from the necessity of contributing to the 7,000,000*l.* which went to pay the annual charge of the British debt, contracted previous to the Union, over and above the amount of separate taxation which Great Britain paid for that purpose. The making Ireland pay to that debt was utterly unjustifiable. Some persons had asserted that if Ireland had been treated with injustice, it had been compensated for by relief of taxation, and a greater proportion of public money, in loans and grants, than England had got. But by a return he had moved for this Session, which, amongst other things, continued a former return relative to taxes in the two countries, he found that of the relief of taxation, that is, the gross amount since the Union, Great Britain had got 42,000,000*l.*. while Ireland had got but 2,300,000*l.* On the other hand, while of taxes imposed, 6,900,000*l.* were put on Great Britain, Ireland had had the large proportion of 900,000*l.*, that is to say, her relief of taxation was less than one-eighteenth part, her share of the imposition of taxation was nearly one-seventh. And as to the assessed taxes, which were made the occasion of taunting Irish Members with the indulgence they had received by the remission of them, the total amount of relief given by their remission in Ireland, including a partial relief some years previous to the total repeal, would be found by those papers to have been about 500,000*l.* or 600,000*l.*, while, in the same papers, Great Britain would be found to have given herself relief under the same heads to the amount of upwards of 5,000,000*l.* Then, as the public money spent on the two countries, a return of the year 1839 gave 8,000,000*l.* odd, as the amount spent upon Ireland, and looking through the finance a sum should be added, which would give a total for Ireland of, in round numbers, 9,000,000*l.* One of the returns he had moved for this year was similarly worded by him as the return of 1839, and was for a parallel amount for Great Britain, and it gave an amount of 15,600,000*l.*, notwithstanding some unexplained omissions that he would not now delay to discuss. Again, it had been said that Ireland never repaid a loan of public money; but the finance accounts of the present year would show that she has repaid more than 5,000,000*l.*, whereas Great Britain has repaid only a little more than 3,000,000*l.* And money advanced to Irelaad bore interest at 5 per cent., though obtained by the Government at 3 per cent., which was not the case in Great Britain, where the per centage was seldom above 4, and several advances bore no interest at all, such as, among others, the 250,000*l.* advanced to the projectors of the Thames Tunnel. In fact, Ireland had got nothing to compensate her for the drains, direct and indirect, that were made from her. The papers he had so often mentioned showed, upon an account of the remittances of moneys from the Irish Exchequer to the British, and *vice versâ*, there had, on the whole amount since the Union, been an excess of Irish remittances of no less than 25,000,000*l.* Then there was the loss by diminished expenditure of public offices, owing to their being removed to England. Ireland lost the amount of their expenditure, which, in her anomalous and wretched condition, was of importance to her; and if any reduction of the imperial expenditure were effected in consequence, the benefit of the economy was spread over the three countries, while the loss was to Ireland alone. Then came the enormous absentee drain, nearly 4,000,000*l.*, destroying much of what benefit Ireland could otherwise expect from her provision and cattle exports, as the money the latter produced went away for the greater part into the pockets of landlords living abroad. It was ridiculous to institute a comparison between the contributions of Great Britain and Ireland. One was a rich, the other a poor country. Great Britain had various manufactures—Ireland but one, and that failing. There was a bitter complaint the other day that agricultural wages had fallen in some English counties to 7*s.* or 8*s.* a week. But the average of agricultural wages in Ireland was not 6*s.* Again, out of the 53,000,000*l.*, making the amount of the united income of Great Britain and Ireland last year, Ireland paid equal rates on articles that produced 44,000,000*l.*, and yet the produce credited and uncredited was but one-eleventh of that amount. Was not that a sign of poverty in a people who are one-third of the population of the empire? But the right hon. Baronet (Sir R. Peel) had himself admitted this poverty, when he confessed that an Income-tax in Ireland would not pay the expenses of collection. The hon. Member read an extract from the works of Mr. Ricardo, showing that the ability of England to bear taxation had increased faster even than her taxation, and he asked how could this be shown in Ireland. He read from the railway report a return of the decrease in the period from 1825 to 1835, in the Irish import of cotton manufactures and yarn, of sugar, and various other important articles, and also a decrease of Irish exports of value; and contended that, although in consequence of no returns being kept at the Custom-house since 1825 of the cross-channel trade, Mr. Drummond had been obliged to get his statements as to that trade from interested parties, and that, therefore, much reliance could not be placed upon their accounts of prosperity, yet their accounts of adversity and diminution were much less suspicious, as no trader would willingly undertake his dealings. He also read Mr. Willan's evidence as to the decline of the woollen trade, and various extracts from the hand-loom weavers' report showing the decline, or annihilation of nearly all manufactures in Ireland. The linen trade was nearly the only one left to Ireland, and even that was much declining. At a meeting in Belfast last autumn, it was declared that the linen manufacturers had lost 300,000*l.* by the 20 per cent. increase of duty on import into France, and the recent French ordinances would complete the ruin. But even if the linen trade flourished, one trade and the prosperity of one town would be bad proofs of the prosperity of a nation. The hon. Member concluded by urging the Government not to cripple Ireland against the day of any real emergency of the empire.

Mr. *Brotherton* moved the adjournment of the debate.

The *Chancellor of the Exchequer* hoped the hon. Gentleman would not persist in that motion, but suffer the debate to be brought to a close at once. The object of going into committee was not to add anything to the burdens of the people, but on the contrary to relieve them, by alterations in the stage-coach duties, the railroad duties, and the stamp duties. The subject of the hon. Member's speech undoubtedly deserved the serious consideration of Parliament.

Amendment negatived.

House in committee. Resolutions relative to reducing the duties on stage-coaches, and assimilating the stamps between England and Ireland were agreed to.

House resumed.

House adjourned at two o'clock.

HOUSE OF LORDS,

Friday, July 15, 1842.

MINUTES.] BILLS. *Public.*—1ª· Ecclesiastical Jurisdiction; Chelsea Hospital; Military Savings Banks; Militia Ballot.

2ª· New South Wales; Protection to her Majesty's Person.

Committed.—Mines and Collieries; Dean Forest Ecclesiastical Districts; Protection to her Majesty's Person.

Reported.—Railways; Charitable Pawn Offices (Ireland).

3ª· and passed:—Right of Voting (Dublin University); British Possessions Abroad; Protection to her Majesty's Person.

Private.—*Reported.*—Wicklow Harbour; Cambuslang and Muirkirk Roads; Liverpool and Manchester Railway.

PETITIONS PRESENTED. From Guardians of the Poor, Penkridge Haigh Moor Colliery, from the Parish of Dean, against parts of the Mines and Collieries Bill. —From the Inhabitants of Westminster, in Favour of the Bill.—From Kilgariffe, Desart, and several other places in Ireland, for the Encouragemant of Schools in connection with the Established Church.

PROTECTION OF HER MAJESTY'S PERSON.] The *Lord Chancellor,* in rising to move the Order of the Day for the second reading of the Bill for the better Security and Protection of her Majesty's Person, said, he need hardly remind their Lordships that this bill had been sent up to them by the unanimous vote of the House of Commons; and when brought up here yesterday, it had been met by their Lordships in the same feelings, which he was sure were also those of the whole country. All were united in an anxious wish to give more effective security to her Majesty's person. Unfortunately, experience had shewn that such a bill as this had become necessary; and it was therefore the duty of her Majesty's Ministers to submit it for the consideration of Parliament. The bill had two objects: the first was,

> "To extend the provisions of the act of 39th and 40th of Geo. 3rd, which was 'An Act to regulate Trials for High Treason and Misprision of Treason in certain cases,' to all cases of high treason, in compassing or imagining the death or destruction of the Queen, or in compassing or imagining any bodily harm tending to the death or destruction, maiming or wounding of the Queen, and of misprision of such treason, when the overt act or overt acts of such treason alleged in the indictment shall be any attempt to injure in any manner whatsoever the person of the Queen."

Their Lordships were aware that by the ancient statute, the 25th of Edward 3rd, compassing the death of the Sovereign was made high treason; but such compassing must be accompanied by some overt act, such as a direct attempt on the life of the Sovereign. That continued to be the law until the 36th of George 3rd, when any attempt to maim or wound the Sovereign or do him bodily harm was declared to be high treason. Their Lordships were aware that in the reign of William 3rd, an act passed for regulating trials for high treason. This act, which had become necessary in consequence of the arbitrary proceedings of the two previous reigns, enacted certain forms which were to be observed on trials for high treason such as, giving to the accused lists of jurors and witnesses and copies of the indictment so many daye previously to the trial. Experience had shown the wisdom of those enactments, and everybody felt that they were a necessary protection against the power of the Crown. There were however certain cases in which the treason consisted of an attack on the person of the Sovereign, in which it was equally felt they ought not to apply; and soon after the attack on his late Majesty George 3rd by Hatfield, an act was passed taking away the necessity for all those forms in cases where the offence charged consisted in compassing the death of the King by attempting to wound him, or to do him some bodily harm. One object, as he had observed, of the present bill was, to extend the provisions of the 36th of George 3rd, not only to cases of compassing the death of the Queen by attempting her life, but also to cases where the attempt was only to wound or do some bodily harm. But there were, as their Lordships knew, and as recent circumstances had shown, cases which did not amount to high treason, but against which it had become necessary to protect her Majesty's person; and it was an object of this bill to provide against such attempts remedies similar to those which would be resorted to in cases of attack on the person of a subject. Their Lordships did not require to be told that the security of the person of the Sovereign was of much more importance than that of any other person in the country, and the more so on account of being more exposed as a female Sovereign, and that attacks in her case might lead to consequences the most disastrous, which it was not necessary for him to detail; but, notwithstanding these risks, her Majesty, as the law now stood, was not more protected than any one of her subjects. The bill now before their Lordships had for its object to provide for cases of attack—not alone of violence not tending to the death, or maiming, or wounding of her Majesty, but also to cases by which she might be frightened or alarmed by the wilful acts of any person or persons:—thus it enacted,

> "That if any person shall wilfully discharge or attempt to discharge, or point, aim, or present at or near to the person of the Queen, any gun, pistol, or any other description of fire-arms, or of other arms whatsoever, although the same shall not contain any explosive or destructive material, or shall discharge or cause to be discharged any explosive substance or material near to the person of the Queen; or if any person shall wilfully strike or strike at, or attempt to strike or to strike at, the person of the Queen, with any offensive weapon, or in any other manner whatsoever; or if any person shall wilfully throw or attempt to throw any substance, matter, or thing whatsoever, at or upon the person of the Queen, with intent in any of the cases aforesaid to injure the person of the Queen, or with intent in any of the cases aforesaid to break the public peace, or with intent in any of the cases aforesaid to create alarm to her Majesty; every such person so offending shall be guilty of a high misdemeanour, and, being convicted thereof in due course of law, shall be liable, at the discretion of the court before which the said person shall be so convicted, to be transported beyond the seas for any period not exceeding seven years, or to be imprisoned with or without hard labour for any period not exceeding three years, and during the period

of such imprisonment to be publicly or privately whipped, as often and in such manner and form as the said court shall order and direct, not exceeding thrice."

Having thus stated the objects of the bill, he did not feel that he need say any more, for he was sure that the loyalty and zeal of their Lordships would anticipate him in everything he could urge further; and, satisfied that their Lordships would give their sincere and cordial concurrence, he would now move that the bill be read a second time.

Viscount *Melbourne* said, that after the statement of the noble and learned Lord, which, though short, was amply sufficient to show the grounds for this bill; and knowing what was felt by their Lordships, by the other House, and by the whole country, it was almost superfluous for him to say that he gave his hearty concurrence to the measure. It was impossible to apprehend that there could be in any quarter a difference of opinion on the subject. The life of the Sovereign was unquestionably the most precious, the most valuable life in the community. It was the life which was of most consequence to all, and the sudden interruption of which must produce the greatest calamities and disasters. It was, he was afraid, not only the most valuable, but the most exposed to danger. It was exposed in the natural course of human events to dangers; and, unfortunately, recent experience had proved that it was to dangers from other causes which seem unintelligible, and incomprehensible, but which they knew to exist. Under such circumstances, it was the duty of Parliament to cat round that life every protection which could be given, without reference to the particular circumstances of the cases, as to the age or sex of the present Sovereign. The protection which this bill would give, was due to any Sovereign, and he entirely concurred in the motion of the noble and learned Lord.

Lord *Cottenham* did not rise to offer any objection to the bill, but he was anxious to guard as far as possible against its being inferred that certain acts which were overt acts of high treason were not to be punished with any greater severity than those other acts mentioned in the second clause, and which not being overt acts of treason were to be punished only as high misdemeanours. The public should know that this bill did not take away any protection which the law had heretofore thrown around the person of the Sovereign, but that, on the contrary, it was adding to it by punishing with due severity persons guilty of minor offences against the Sovereign's Person. He would have it clearly understood that this bill did not alter the law of high treason.

The *Lord Chancellor* said, that it was not the object or intention of the bill to alter the law of high treason. It would leave that law just as it was, but it would decree a more severe punishment against the minor offence.

Lord *Brougham* fully concurred in the object of the bill and in the remarks of those noble Friends who had preceded him —subject to an observation on one remark that had fallen from his noble and learned Friend (Lord Cottenham). He was not friendly to general alterations of the law to meet particular emergencies, because in such alterations the principle of the law was apt to be lost sight of. He was also opposed to alterations which made criminal laws more severe; but he did not see that either of those objections could be fairly urged to this bill. It did not make the law more severe, nor did it in any way abridge the rights and liberties of the subject, nor did he see that it tended to introduce unsound principles of legislation. They found that certain acts were done which, as had been truly observed by his noble Friend, the noble Viscount (Viscount Melbourne) near him, it was difficult, if not impossible, to account for, and which partook in some degree of a mysterious character—they saw that such acts were calculated to alarm the Sovereign, and, through her, all the subjects of the realm; and they were fully justified in taking such measures as would be most likely to prevent a repetition of such acts. He agreed with his noble and learned Friend, that it could not be too clearly understood that it was not an object of the bill to alter the law relating to high treason, or misprision of treason, and to prevent any doubt on the subject, he would suggest a proviso to the effect that nothing in the act should extend or be construed to extend to any alteration of any of the provisions made by law relating to high treason or misprision of treason. He cordially joined with noble Lords on both sides of the House in the strong interest they felt, not only in the life, but in the safety, comfort, and personal ease of the Sovereign. If their Lordships would look to the other side of the Channel, they would see, in the severe and melancholy calamity which had just befallen their neighbours (the sudden death of the Duke of Orleans) an illustration of the sympathy felt by a whole people in the sufferings of their Sovereign—sufferings in which, he would venture to say, every human being in these kingdoms would sincerely sympathize, as well with the people as with the Royal family of France.

Bill read a second time.

On the motion of the Duke of Wellington, the Standing Orders were suspended and the bill committed.

In committee, Lord Brougham's suggestion was engrafted in the bill.

Lord *Campbell* proposed a clause the object of which was to make the possession of any gun, pistol, or explosive or other weapon, near the person of the Sovereign, with intent to use them to cause her hurt, fright, or alarm, a high misdemeanour, even though such gun, pistol, &c., should not be produced.

The *Lord Chancellor* said, the amendment was quite within the scope of the bill, and he would not object to it.

Amendment adopted.

The bill passed through committee, was reported with amendments, and read a third time.

On the question that the bill do pass,

The Duke of *Wellington* said, he could not but congratulate their Lordships on the unanimity with which they had brought this bill to the present, its last stage,—an unanimity which he was convinced would give the greatest satisfaction not only in the highest quarter, but throughout the whole of Great Britain. He could not avoid expressing in this place his entire concurrence in the few words that had fallen from his noble Friend opposite (Lord Brougham) on the subject of a most lamentable event that had occurred in another country. He was convinced that all their Lordships would concur with him in expressing deep concern and grief at that fatal occurrence.

Bill passed.

EDUCATION (IRELAND).] Lord *Carbery* presented a petition from St. Nicholas, in the city of Cork, for the encouragement of schools in connection with the church of Ireland. He considered the present system of National Education to be defective and erroneous, and would be glad to see the prayer of the petitioners receive their Lordships approbation and support.

The Earl of *Clancarty* would take advantage of the presentation of those petitions of the noble Lord to draw their Lordships' attention to the seventh report of the Commissioners of Education, in which, after stating that they had established a model farm at Glasniven, they declared that no assistance would be afforded to any institutions, in the way of agricultural instruction, unless they were in connection with some elementary national school. If that rule were acted on, many persons in Ireland would be deprived of the benefit of the model farm. He approved of the institution of the model farm, but he did not approve of the benefit being confined to institutions connected with the national schools. He did not think that the Commissioners of Education ought to have the monopoly of the Parliamentary grant, and he considered the granting of public money for the purpose of instruction in husbandry and agriculture, was an invasion of the province of the Royal Dublin Society, which was incorporated for the specific purpose of promoting instruction in arts, agriculture, and manufactures. He hoped their Lordships would not allow the thirst for agricultural education, which now prevailed, to be made a means of forcing on the people any particular system of religious or literary education. The present system had not been successful, it had not given satisfaction to either Roman Catholics or Protestants. He therefore, hoped that if the Parliament chose to grant any additional sum for the Education of the Irish poor, it would be on a system more liberal and extended than the present, which placed the Established Church in the position of a dissenting body.

Lord *Cloncurry* had objected to the Kildare-street society, because the system on which its schools were conducted was objectionable to the feelings of the Roman Catholics. He approved of the present system of National Education in Ireland, and he must remind the House that this country owed a great debt of Education to Ireland; for during the space of a century it made it capital for any priest or pastor to teach their Roman Catholic fellow-countrymen. He said, that the Church of Ireland, which had done nothing to improve the condition of the people ought not now to come forward and take away a portion of the small grant, which was applied for that purpose.

Lord *Monteagle* said, in the speech of the noble Earl (Earl of Clancarty) he had divided the subject into two questions;

the question of the agricultural schools and the national school. Nothing was more important than an agricultural education to the people of Ireland. He was sure that the Government, in introducing that education, would endeavour to do so in the most practicable manner possible. If their national schools required alteration in principle, which he did not believe, let them alter the principle; but if they set up Protestant schools in Ireland, he would say that they would render every National School now established a distinct Roman Catholic school. When Sir Robert Peel was Secretary for Ireland, he recommended the necessity of bringing together all classes of the community in one common school. Many of the noble Lords who were in favour of this double education, complained of the College of Maynooth; but what would they say if every one of the schools now in existence should become a little Maynooth? He was strongly of opinion that no grant should be allowed towards the establishment of schools in exclusive connection with the Church, as the present National Schools were open alike to Protestants and Catholics.

The Archbishop of *Armagh* said, that the national system was protested against by seventeen of the prelates of the Irish Church, not from any political causes, but because they thought that it was founded on the principle of excluding the reading of the Scriptures from the schools, and that was a principle to which no Protestant clergyman could agree. The practical result of the system was that in these schools there was an actual exclusion of Protestants. He might mention that in the five schools which were in the town of Drogheda, there was not a single Protestant at any one of them. Now, he must be permitted to ask, was that a fair system of education? What had the Protestants of Ireland done that they were to be excluded in this manner from the benefit of the grant? There were, at present, 70,000 children in the Kildare-street Society Schools, and 20,000 of these were Roman Catholics, and their parents did not object to their reading the Scriptures. He, therefore, must express his hope that some change would be made in the system.

The Earl of *Wicklow* said, that the system was now completely in the hands of the Roman Catholics, and that being the case, it was the duty of their Lordships and of Parliament to consider, now that there was no prospect of that united education which was so much desired, whether they would allow the present system to continue. He considered, that modifications might be made in it if the Roman Catholics would divest themselves of their hostility to the Protestants. He hoped, the Government would give some attention to the numerous petitions which had been presented to Parliament in favour of some grant to the Church Education Society. He hoped, that the Protestant Legislature of this country would in some degree sanction that religion in Ireland. He had always voted for the removal of the Catholic disabilities; and still this was a Protestant Legislature, and he hoped that some portion of the grant would be applied to Protestant purposes. As he was persuaded that the system was not effecting the object which its originators had in view,—namely, an united education of the Protestant and Roman Catholic children of Ireland, he certainly should feel it his duty to support any proposition which might be made for giving a certain sum for the support of the Church Education Society.

The Bishop of *Norwich* only wished to say one word in answer to an observation which had fallen from the most rev. Prelate. The most rev. Prelate stated the national system of education in Ireland was one from which the reading of the Scriptures was excluded, and that no Protestant clergyman would support such a system. He (the Bishop of Norwich) thought, that there was a fallacy in that, for he maintained that as large a portion of the Scriptures was introduced into the Irish schools, as was introduced into any national schools in this country which he had visited, and he maintained that the selections used in those Irish schools contained every fundamental doctrine of Christianity — nay, more, every fundamental doctrine of the Church of England. This he maintained, and so far from the board of education in Ireland having any disposition to exclude the Bible, if their Lordships would have the goodness to read the preface to those selections, they would see that they urged upon the teachers and the children to consider the selections of these portions of Scripture as merely introductory to the Scriptures, and that they recommended them to read the Bible from beginning to end.

Petitions laid on the Table.

NEW SOUTH WALES.] The Duke of *Buccleuch* moved the second reading of the New South Wales Bill.

Lord *Monteagle* cordially supported the bill, which he said would be attended with the most useful results, and he congratulated both the colony of New South Wales and their Lordships on its introduction.

Bill read a second time.

Adjourned.

HOUSE OF COMMONS,

Friday, July 15, 1842.

MINUTES.] BILLS. *Public.*—1°. East India Bishops.
2°. Election Petitions Trial.
3°. and passed:—Testimony Perpetuating.
Private.—*Reported.*—Earl of Devon's Estate.

PETITIONS PRESENTED. By Sir M. Wood, from the Ward of Aldgate, Spa Fields, and Broad Street, London, for the Redemption of the Tolls on Waterloo and the other Metroplitan Bridges.—By Mr. M. Gibson, from Manchester, for an Inquiry into the cause of the Distressed state of the Shopkeepers of Manchester.—By Mr. Plumptre, from Uppington, Preston, Wing, and Llanfihangel, against any further Grant to Maynooth College.—From Padiham, Oldham, and Whitchurch (Salop) for Inquiry into the course of Instruction pursued at Maynooth College.—By Mr. Labouchere, from Duxford, for the Substitution of Affirmations in lieu of Oaths.—From the Wigton and Horsham Unions, against the Poor-law Amendment Bill.—From Taunton, for the Appointment of a Medical Commission.—From the Lincoln and Lincolnshire Mechanic's Institution, for Exemption from Rates and Taxes.—By Sir Howard Douglas, from Liverpool and Ballyshannon, against the Tobacco Regulations Bill.—From the Magistrates of the Quarter Sessions at Beccles, praying that Owners instead of Occupiers of Small Tenements may be rated.

CEMENT-STONE—THE TARIFF.] Mr. *Labouchere* begged to remind the right hon. Gentleman opposite (Mr. Gladstone) of the question which he had formerly put on the subject of the duty imposed by the new tariff on the exportation of Cement-stone. He wished to know whether it was the intention of her Majesty's Ministers to adhere to that duty? If it were carried into effect, the impost would entirely destroy a trade which employed a great number of industrious persons. He asked, then, whether the right hon. Gentleman was prepared to take any measure for removing the grievance complained of? And further, he wished to know whether, if it were deemed expedient to remove the duty on Cement-stone, he would not take care that the Lords of the Treasury should adopt such measures as would prevent this trade from suffering any interruption until the alteration was effected?

Mr. *Gladstone* said, the attention of her Majesty's Government was called to this subject at a late period. The proposal for laying a duty on Cement-stone was printed and lay before the House for three months, from the 11th of April until July, without attracting the notice of the persons connected with that part of the country where the trade was carried on. He mentioned this, because it would afford a justification for an unwillingness, on the part of the Government, to re-open a question connected with duties after the decision of the House of Commons. However, after the tariff had passed, it was stated that the duty on the exportation of Cement-stone would have the effect of destroying that trade altogether; and, therefore, an inquiry was set on foot to ascertain the facts of the case. It would be here proper for him to atate the grounds on which the duty was originally proposed. The reason was, because strong representations had been made to the Government by persons connected with the manufacture of cement in this country, to the effect, that if the exportation were not checked, the material of which cement was composed was likely to be exhausted. It was alleged that the public works in this country required a great deal of cement, and that if the exportation of Cement-stone continued to a great extent, the material would, after the lapse of a few years, disappear from our coasts altogether. He believed that the representations made by these parties, as to the probable disappearance of the material, were *bonâ fide* representations. But they had deemed it necessary to make inquiries on the subject; and, after hearing the statements of the different parties, after investigating the whole case, they had come to the conclusion that there was no likelihood, within any assignable period, of the exhaustion of this material. They, therefore, thought that the duty imposed on the exportation of Cement-stone, resting as it did on this mistaken ground, ought not to be persisted in; and he should propose to the House to repeal that duty. He believed that, if the duty were continued, it would have the effect during the summer months of depriving 500 or 600 men belonging to the hard-working and industrious class of employment. It was proper, therefore, that it should be repealed. The next point to be considered was, how this object was to be carried into effect? It would be extremely inconvenient to introduce a bill for this purpose alone. Circumstances, however, rendered that course unnecessary; for, in consequence of a printer's error, it would be necessary to introduce an amended bill with reference to the customs' duties. The matter stood thus:—In the timber schedule, after the resolutions had passed the committee, and when the bill was printed from the manuscript of the Chairman of the committee, it appeared that "1842" was inserted instead of "1843;" that error passed from the reprint of the bill to the engrossed bill, and was now the law of the land, though contrary to the intention of Parliament. This, as he said before, rendered it necessary to re-introduce a bill, and by that bill they might remove altogether the export duty on Cement-stone. He should, therefore, now move, with the permission of the House—

> "That the House resolve itself into a committee on the Customs' Acts, with a view of moving a resolution that it is expedient further to amend the law relating to the customs."

When that bill was introduced, it would touch upon other matters, not, however, relating to the duties, which he would explain at the proper time. It was very proper that in the interval between the present period and the passing of the bill there should be no interruption to the export of Cement-stones. The fire at Hamburgh had created an increased demand for the article, which was of very great use in the construction of public works. On that point the wishes of the right hon. Gentleman had been anticipated. A letter had been addressed to the Lords of the Treasury on the subject, and directions had in consequence been given to the officers of the customs at Harwich to allow the free exportation of Cement-stone, the parties exporting giving security that they would abide by the decision of Parliament, whatsoever that decision might be. The right hon. Gentleman concluded by moving:—

> "That the House resolve itself into a committee of the whole House for the purpose of considering a resolution relative to the Customs Act."

Mr. *B. Wood* suggested to the right hon. Gentleman the Vice-President of the Board of Trade the propriety of extending to China clay the same principle which he was about to adopt with respect to Cement-stone. The two articles stood precisely in the same situation. A great number of people were employed in the China clay trade, and the revenue which the duty would produce was very trifling.

Mr. *Gladstone* said, that in the committee on the bill which it would be his duty to introduce, the hon. Member would have an opportunity to propose a motion on the subject. He, however, would assuredly set his face against re opening any question where the parties had been previously heard, their petitions received, and the decision of the House taken.

The Speaker left the Chair. In committee, Mr. Gladstone moved—

> "That it is expedient further to amend the laws relating to the Customs."

Mr. *Labouchere* said, he conceived, that the proposition of his hon. Friend had very fair claims on the House, and in his opinion, steps ought to be taken to remove the duty to which he alluded. With respect to the duty on cement stone, he was extremely glad that the right hon. Gentleman was about to adopt the course which he had stated. He begged, however, to impress on the mind of the right hon. Gentleman, the necessity of being extremely cautious in adopting the mischievous principle of taxing the exports of the country. The danger of taking that course was clearly exemplified with reference to the sulphur trade of Sicily. The Neapolitan government having a complete monopoly of that trade, laid a very heavy duty on the export of the article. What was the consequence? Why, the ingenuity of our manufacturers was immediately called into activity, and from the pyrites of iron, sulphur had been extracted as good and as cheap as could be procured from the mines of Sicily. The sulphur trade was, therefore, no longer a source of large revenue to the Neapolitan government. He had mentioned this circumstance to show the danger of levying duties on the exports of this country, since it might lead other countries to devise the means of dispensing with those exports. The right hon. Gentleman seemed to be more favourable to levying duties on exports than was desirable, and it was right, that the danger of the principle should be pointed out to him.

Viscount *Howick* entirely agreed with what had fallen from the right hon. Gentleman. The principle on which those export duties proceeded was decidedly erroneous. It was especially so in the case of coals. The consequence of the export duty on that article, in the course of the ensuing winter, would be greatly to diminish labour in the collieries, and thereby to add to the distress and suffering that already prevailed there. Such would be the inevitable consequence of adopting this most mistaken principle.

The resolution agreed to.

House resumed.

Resolution reported. Bill to be brought in.

DEFACING THE COIN.] Sir G. Clerk moved the Order of the Day, for the House to resolve itself into a Committee of Supply.

Mr. *C. Wood* said, he had given notice of his intention to put a question to the First Lord of the Treasury, upon going into committee of supply, as to the power of cutting or defacing light gold coin; but as the right hon. Baronet was absent, perhaps the Chancellor of the Exchequer would give him an answer. It was unnecessary for him to remind the House, that a short time ago, a proclamation was issued with reference to the great quantity of light gold that was in circulation. Great alarm was excited by that proclamation; and dishonest individuals taking advantage of that alarm, had exacted from the holders of light gold, much larger deductions than the actual deficiency of weight justified. Whether proper precautions had or had not been taken by Government before issuing that proclamation, he would not stop to inquire; but of this he was quite sure, that the evil arising from the circulation of light gold had arrived at a height which required the immediate interference of Government. All that they could do, was to call the attention of the public to the matter, by issuing a proclamation. That proclamation, in fact, only pointed out the actual state of the law, but he believed, that the alarm which had been excited was in a great degree caused by the suddenness with which the law on the subject was made known. He did not know what was the state of the law relative to the gold coinage previous to the re-coinage in 1774. Before that time he doubted whether any allowance was made for the wear of the current gold coin. By an act passed in 1774, all persons were not only authorised, but required, to cut or deface any gold coin below the current weight, as fixed by the King's proclamation, and the person holding the coin was compelled to bear the loss. In 1776, a proclamation was issued, declaring what the weight of a guinea ought to be; and from that time, the Bank and other persons marked such guineas as were tendered to them, and were not of the current standard. The consequence was, that the marked coin no longer passed current. As the guineas gradually became light, they were gradually withdrawn from circulation. No alarm was excited, and no inconvenience felt, beyond the trifling loss on each coin. The extent to which this went, is proved by the fact, that between 1777, and the period of the Bank restriction, in 1797, no less than 17,500,000*l.* of light gold was brought to be re-coined at the Mint. Such was the law and the practice up to 1797, when cash payments were suspended. When, after the return to a metallic currency, sovereigns were substituted for guineas, a proclamation was issued in 1821, fixing the allowance for wear, and sovereigns below a certain weight, were, of course, not legally current. A doubt, however, existed as to the state of the law with respect to cutting and defacing gold under the standard weight. He (Mr. Wood) did not understand, that the act of 1774 was repealed, but the last act on the subject of the coin, gave the power of cutting such coin only, as should be suspected "to be diminished otherwise than by fair wear, or to be counterfeit." Owing to this doubt as to the power of cutting sovereigns diminished in weight, by fair wear only, the practice was discontinued, and thus, instead of being put out of circulation, such coins went on accumulating to a great amount, in the hands of the public, and the evil, lately experienced, became inevitable. It seemed to him exceedingly desirable, under these circumstances, not, perhaps, that all persons, but, certainly, that the Bank of England, and the officers of her Majesty's revenue, should be empowered and directed to cut and deface light gold so as to prevent its again coming into circulation. If light gold were cut and defaced in the first instance, it would soon be taken out of circulation, instead of, as at present, passing from hand to hand for a considerable time. The question, then, which he wished to put to the right hon. the Chancellor of the Exchequer, was, whether any doubt existed as to the power of cutting and defacing light gold, which power was in existence up to the passing of the Bank Restriction Act, and, if there was any doubt, whether Government was prepared to pass an act for the purpose of giving such power?

The *Chancellor of the Exchequer* thought it would be desirable, that the question relating to the power of cutting and defacing should be decided. It was one which had been subjected to legal inquiry, but there was a difference of opinion on the subject amongst legal men. There were two acts relating to the subject passed in 1772 and 1774; one of these enabled all persons to cut and deface gold which had been improperly reduced, or which was counterfeit. The other gave the power of cutting all gold which was below weight. By the 2nd of William IV., the first of these acts was repealed, though again re-enacted in the same act of William, and the question was whether the 2nd of William repealed the other statute, a question which, as he said before, was now under legal consideration.

SUPPLY—MISCELLANEOUS ESTIMATES.] House in Committee of Supply.

On the motion that a sum of 84,000*l.* be granted to defray the charges of allowances or compensation granted as superannuation or retired allowances to persons formerly employed in the public offices or departments, or in the public service,

Mr. *Williams* said, that where high class salaries were paid, those in the receipt of them ought to be compelled to provide something towards a superannuated fund out of their salaries. There was one person—he would not mention the name, but it would be found in page 8—whose salary was 500*l.*, and he was superannuated upon 400*l.* His age was stated at 57, and his service at 41 years. The person to whom he alluded might be a meritorious officer, but 400*l.* allowance to a person of 57 years, whose salary was 500*l.*, appeared very considerable.

Sir *G. Clerk* said, that various acts had been passed from time to time, all tending to limit the power with respect to the granting of retired allowances. The last of these was passed in 1834, and since 1839 all persons having salaries to a certain amount paid 5 per cent. out of them. With reference to the particular case alluded to, the allowance had been made under peculiar circumstances.

Mr. *Hume* contended, that ever since 1810 the tendency with respect to retired allowances was rather towards their increase than towards their diminution, and in his opinion something ought to be done to check the practice.

Vote agreed to.

On the question that 39,200*l.* be granted for foreign and other secret services,

Mr. *Williams* objected to this vote; at least, such part of it as was expended for the Home Department, for there was a general impression on the public mind that it was employed for electioneering purposes. He saw no reason why such service money should be voted for the Home Department, and he therefore moved, that instead of 39,200*l.* being granted, only 19,200*l.* should be voted, and that that sum should be exclusively expended for foreign services.

Sir *J. Graham* said, the hon. Gentleman was labouring under a great error in supposing that the secret service-money was expended for electioneering purposes. For the last three years no secret service-money had been voted for the Home Department, but he did not mean to say, that it might not be necessary from time to time for the Home Department to have a sum at its disposal for secret service. There still remained, however, a portion of the sum last voted for the Home service. With regard to the Foreign Department, the business of the country could not be conducted unless a sum of this kind was placed at its disposal.

Viscount *Palmerston* confirmed the statement of the right hon. Baronet, that no part of the secret service-money was applied to electioneering purposes; and that the public service of the country in regard to its foreign relations, could not be conducted, unless a sum of money was granted which the Secretary of State might dispose of under his own responsibility, without being obliged to render a public account of it, which would defeat the object for which it was expended.

Mr. *Hume* would vote in favour of the reduction proposed by the hon. Member for Coventry, as he thought nothing ought to be done in secret under a representative Government.

The committee divided on the question that the sum be 19,200*l.*:—Ayes 13; Noes 117:—Majority 104.

List of the AYES.

Bowring, Dr.
Brotherton, J.
Cobden, R.
Ewart, W.
Fielden, J.
Gibson, T. M.

Hindley, C.
Morris, D.
Pechell, Capt.
Protheroe, E.
Villiers, hon. C.
Wawn, J. T.
Wood, B.

TELLERS.

Hume, J.
Williams, W.

List of the NOES

Acland, Sir T. D.
Acland, T. D.
A'Court, Capt.
Aldam, W.
Allix, J. P.
Arbuthnott, hon. H.
Bagge, W.
Bankes, G.
Barnard, E. G.
Baskerville, T. B. M.
Berkeley, hon. Capt.
Borthwick, P.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Bruce, Lord E.
Buckley, E.
Buller, Sir J. Y.
Busfeild, W.
Byng, rt. hon. G. S.
Campbell, A.
Cholmondeley, hn. H.
Chute, W. L. W.
Clerk, Sir G.
Clive, E. B.
Cochrane, A.
Colebrooke, Sir T. E.
Collett, W. R.
Courtenay, Lord
Cowper, hon. W. F.
Damer, hon. Col.
Darby, G.
Denison, E. B.
Douglas, Sir H.
Douglas, Sir C. E.
Egerton, W. T.
Fellowes, E.
Ferguson, Sir R. A.
Flower, Sir J.
Follett, Sir W. W.
Ffolliott, J.
Forbes, W.
Fuller, A. E.
Gaskell, J. Milnes.
Gladstone,rt.hn.W.E.
Gordon, hon. Capt.
Gordon Lord F.
Gore, M.
Gore, hon. R.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grimsditch, T.
Grogan, E.
Hamilton, W. J.
Hamilton, Lord C.
Hampden, R.
Harcourt, G. G.
Hardinge, rt. hn. Sir H.
Hawes, B.
Henley, J. W.
Henniker, Lord
Hervey, Lord A.
Hinde, J. H.
Hodgson, R.
Hope, hon. C.
Hornby, J.
Howard, P. H.
Hussey, T.
Jackson, J. D.
Jermyn, Earl.
Jolliffe, Sir W. G. H.
Kemble, H.
Knatchbull,rt.hn.SirE
Knight, H. G.
Labouchere, rt. hn. H.
Lefroy, A.
Legh, G. C.
Lemon, Sir C.
Lennox, Lord A.
Liddell, hon. H. T.
Lindsey, H. H.
Litton, E.
Lowther, J. H.
Lyall, G.
Mackenzie, T.
Mackenzie, W. F.
Mc Geachey, F. A.
Masterman, J.
Meynell, Capt.
Norreys, Sir D. J.
Northland, Visct.
O'Brien, A.
Paget, Col.
Palmer, G.
Palmerston, Visct.
Plumptre, J. P.
Praed, W. T.
Pringle, A.
Richards, R.
Rolleston, Col.
Rushbrooke, Col.
Scarlett, hon. R. C.
Sheil, rt. hon. R. L.
Sheppard, T.
Somerset, Lord G.
Stanley, Lord
Stewart, J.
Sutton, hon. H. M.
Tollemache, J.
Trotter, J.
Vane, Lord H.
Verner, Col.
Vesey, hon. T.
Waddington, H. S.
Wall, C. B.
Wood, Col.
Wyse, T.

TELLERS.

Fremantle, Sir T.
Baring, H.

PROTECTION OF HER MAJESTY'S PERSON.] Lord *Stanley* moved that the Chairman should now report progress and ask leave to sit again, in order that the House might take into consideration the amendments which he understood the other House had made in the Bill for the Protection of Her Majesty's Person.

The House resumed. The Chairman accordingly reported progress, and obtained leave to sit again the same evening.

Messsengers from the Lords brought down the Bill for the Protection of Her Majesty's Person from the Lords, with amendments, which were agreed to on the motion of the Solicitor-General.

SUPPLY—MISCELLANEOUS ESTIMATES.] The House again resolved itself into a Committee of Supply.

On the proposition that a sum be granted not exceeding 11,817*l.*, to pay the salaries of persons employed in the care and arrangement of the public records, and for compensations to keepers of the records, and others whose offices had been abolished.

Mr. *H. Hinde* begged to call the attention of the House to the circumstance of the work entitled *The Historians of Britain*, undertaken by command of his late Majesty King George 4th, being left unfinished in consequence of the death of Mr. Petre. The expense of the work had been already not less than 12,000*l.*, and it would cost 2,000*l.* or 3,000*l.* more to complete it; but if it was completed, the sale of it would probably pay the expense. There would be no difficulty in finding persons to undertake its completion. He would also recommend that the other unfinished publications of the late Record Commission should be completed.

Sir *J. Graham* said, he understood that Mr. Petre had left papers yearly amounting to a second volume, and it would be for the Government to consider whether any advantage would arise from its being finished as nearly as Mr. Petre's labours would allow. With respect to the other publications, he would refer the House to the letter written by the present Master of the Rolls to his own predecessor, Lord Normanby, recommending the publication of only certain of the old records, and would say that he was fully inclined to concur in the recommendation.

Dr. *Bowring* asked what locality had been determined on as the ultimate receptacle for the national records?

Sir *J. Graham* replied, that the Victoria tower in the new Houses of Parliament (as we understood) would be selected.

Mr. *Protheroe* thought a tower would be awkward for librarians and visitors, with all the interminable journeyings up and down corkscrew staircases. A building like the great college libraries would be more convenient.

Dr. *Bowring* remarked, that at Copenhagen there was a tower appropriated to such a purpose into which a coach and four might enter.

Vote agreed to.

SUPPLY—EDUCATION.] On the question that 30,000*l.* be granted for Education,

Mr. *Ewart* regretted the smallness of this grant, which was utterly and discreditably inadequate to its momentous object. He also could not help observing on the benefit which would result from the presentation to Parliament of an annual statement or report on this great subject by some Minister of the Crown, so as to place before the Legislature the state of education in all its branches, and thus awaken more attention to it. He wished to ask, whether there was any intention of altering the grant or its application?

The *Chancellor of the Exchequer* said, the Government were not prepared at present to alter the amount or the application of the grant, adhering closely to the last minute of council on the subject; and of course it would not be well, on such an occasion, to make any declaration as to future proceedings on so important a subject.

Mr. *M. Gibson* concurred in deprecating the extreme paltriness of the grant; but he was yet more concerned on account of the quality of the education. Our national schools, as they were called, gave nothing but mere church-catechism instruction, with no information calculated to interest the mind, or expand the understanding. The authority of the hon. and rev. Baptist Noel would probably be respected on such a subject; and that rev. Gentleman stated (in the last report of the inspectors) that—

> "With the best intentions, those who had conducted the national school education system had given even to the eldest children nothing beyond church catechism instruction, the Bible being the only class book, and the effect has been most injurious. The thirst for variety, which, for the wisest purposes, had been implanted in the youthful mind, was thus led to seek pernicious gratification. Nothing could exceed the contrast between the eagerness for information manifested in a well-taught school, and the apathy in those conducted after the manner stated. The Bible was thus associated with all the uneasiness and discomfort connected with faults in reading or spelling; and it was well if through after-life this appropriation of the sacred volume to purposes for which it never was designed, did not lead to a great distaste and aversion for religion."

Was not such a state of things highly discreditable, and did it not call loudly for alteration? The mere hammering at formularies could but load the memory, and that at the expense of the mind. To show how mischievous was the working of this system, numbers of instances might be given of answers, painfully ludicrous, given to questions put by Mr. Noel to the children in different schools; as when a child, asked what religion St. Paul was before his conversion, replied "a Roman Catholic." Was this education? Was this instruction even in that which it professed to be,—viz. religion? And what information was communicated to the children of a general nature? Nothing at all. Surely, there was no use, but great evil, in confounding and confusing together secular and religious education; the result was injurious in respect both to one and the other, and neither would be well administered till they were kept separate. It was fervently to be hoped that, for the growing generations of this country, Parliament would, ere long, provide at least a really sound and salutary system of secular instruction.

Mr. *Brotherton* expressed his regret that Government had not proposed a larger grant. They had voted between 300,000*l.* and 400,000*l.* for the punishment of criminals; they had voted large sums for the punishment of crime, but only a miserable sum for the prevention of it. He was sure, that if the Government had asked for a larger grant that the House would have been very ready to accede to it. So far from an increased grant being an additional burden, it would, in his opinion, be an act of well-timed liberality.

Dr. *Bowring* thought it a great reproach to a nation so opulent as England, that they should vote the miserable sum of 30,000*l.* for the most important of all national purposes. When he considered the amount which foreign Governments devoted to the purposes of education, in many instances an amount larger than what they expended in support of the army, he felt ashamed that the Government of England should dole out such a paltry sum. Considering the great number of uninstructed people in this country, he did hope that the time was not far distant when a larger amount would be voted.

Mr. *Protheroe* observed, that the people of England were not agreed as to what they would have in the way of education. The Church would not permit the Dissenters to participate with them in the advantages of education, and some of the Dissenters objected to any community of interest with the Churchmen; still he thought, that a system of education might be adopted which would give a great deal of satisfaction, and be productive of beneficial results. No doubt, the reading of the Scriptures ought to be made a *sine qua non*, and to that the Protestant Dissenters would not object. Then the church catechism might be taught during two or three days of the week, and that species of instruction might be confined to those who were members of the Established Church. He was aware, that such a plan would have the effect of excluding a large portion of her Majesty's subjects, he meant the Roman Catholics; but they were chiefly to be found in Liverpool and Manchester, for which places special grants might be made without in any respect impeding the progress of national education.

Mr. *Childers* wished to know from the right hon. Baronet whether he intended to propose any grant for the classes which were taught at Exeter-hall? The hon. Member complained, that the Government had not developed any plan as to their future operations on the subject of education. The question was one of vital importance. There was not one of the northern nations of Europe in which the people were so ill educated as in England; and of the three kingdoms subsisting under this Government, there was not one in which the people were so imperfectly educated as in that part of the United Kingdom called England. The Scotch were decidedly in a better condition, and the Irish were rapidly improving. In England, there were many towns of 6,000 or 7,000 inhabitants in which there was not a general school, national, or belonging to the British and Foreign School Society. In the town of Oldham, where there were 60,000 or 70,000 inhabitants, there was no school belonging to either of those establishments. [An hon. *Member:* It is not correct.] The present Government enjoyed the confidence of the ecclesiastical authorities in this country, and he hoped that they would avail themselves of that circumstance to bring about the establishment of a good system of education.

Sir *J. Graham* said, he had heard with amazement the statement that there were no schools in Oldham; that assertion, however, having been contradicted by an hon. Member who had the means of knowing, he should say no more on that point. When the hon. Member who spoke last stated as a matter within his own knowledge that there were towns containing 6,000 or 7,000 inhabitants destitute of the advantage of public education, he (Sir J. Graham) was bound to admit that it must be so; but if he had heard that statement from any one else he should be greatly disposed to question its accuracy. Complaints had been made that a sum of 30,000*l.* was too small—it would be very much too small if that were the only sum available for the purposes of education; but it could not be forgotten that pious, benevolent, and rich men had appropriated large sums for the purposes of education; that portions of those monies had been misapplied was a matter which did not affect the present argument, as a considerable part of them was available for the objects of education, and education in this country, so far from retrograding, was rapidly advancing. On the part of her Majesty's Government he disclaimed any want of sympathy with the public on a subject the importance of which it was impossible to overrate. Hon. Members would recollect that the sum of 30,000*l.* had been appropriated to education only within the last three or four years, and that after much discussion, it was at length agreed to be granted, and the mode of its application was to be proceeded with on what was called neutral ground. The present Government now asked for the same sum as their predecessors, which sum was to be applied to the same purposes and according to the rules formerly adopted. As to the singing-classes at Exeter-hall, it was the opinion of Government that no portion of the present vote should be granted for their encouragement, for it was not thought that those classes fell within the terms of the original vote. It was the intention of Government to take the matter into consideration, and if they should decide upon proposing any vote on the subject it would be a specific vote, and form no deduction from the sum now under discussion.

Mr. *Childers* said, that in Lincolnshire, in Cambridgeshire, and other counties, there were towns of the size he mentioned without general schools.

Mr. *Hume* said, that the lamentable state of education in England was a reproach to the nation. It was lamentable to think that they had asked 20 000*l.* for a prison here, and another 20,000*l.* for a prison there, and that they were so disinclined to give the people the means of that instruction which would prevent crime. The late Government were well disposed to act liberally on this subject, but hon. Gentlemen opposite stepped in and prevented them. They had the power now, and he hoped they would use it, in order to obtain an efficient system of education for the people of this country. The destitution in this respect was deplorable. In some parts of Lancashire he found, from the rev. Baptist Noel's report, that only a thirty-fourth part of the people were educated, while he believed the proportion in Prussia was one-sixth. It was one of the evils of an Established Church that it prevented any education of which it did not possess the control. He wished the noble Lord the Member for North Lancashire (Lord Stanley) would apply the principles which he had introduced into the system of education in Ireland to that pursued in England. Government could carry this point if they pleased, and it was a great reproach to them that they had not done so. He wished the Government to take the whole responsibility of the education of the country. Instead of 30,000*l.* he believed the House would be perfectly prepared to give ten times thirty thousand pounds for such a purpose. The House of Commons were willing, but the Government were unwilling to act liberally on this question; and he thought that the Government was not doing its duty in thus neglecting to give to the country a sound system of secular education, leaving the religious instruction to the care of the clergy.

An hon. *Member* called the attention of the Government to the report of the commission appointed some years ago, at the suggestion of Lord Brougham, to inquire into charities, which report, he was sorry to say, had produced no practical benefit. The funds of many charity schools were misappropriated; in fact, he knew instances in which they were pocketed by individuals; and there was no remedy against these abuses except the extensive and tedious one of going to the Court of Chancery.

Mr. *Hardy* thought, that if a religious education was to be given, something specific must be taught, otherwise the children would be left in a state the most deplorable, of uncertainty as to their faith and those principles which the hon. Member for Halifax had observed ought to be implanted in the heart and to govern the affections. An hon. Gentleman had said he would not exclude the Bible, nor would he (Mr. Hardy). He would have the children scripturally instructed; but how was that to be done unless the meaning of the Scriptures was explained? And would there not be as many different modes of explaining them as there were teachers? Suppose, for instance, the passage to be read which declares that "We are bought with a price, and therefore ye should glorify God with your bodies and souls, which are his." Suppose the scholar were to ask the meaning of our being "bought with a price?" Would the hon. Member for Montrose prevent him from being taught that the purchase was made by Christ offering himself as a sacrifice for our sins? But would the Socinian permit that? The doctrine would be inculcated by teachers connected with the Church of England, and by those of orthodox denominations, such as the Independents, the Methodists, the Baptists, and others; but there were some who would not tolerate it. Suppose that narrative of the dialogue between Philip and the Eunuch formed the reading lesson of a class. It was there stated that Philip "preached unto him Jesus." Were the scholars to ask the meaning of that statement, would it not be necessary for the teacher to go into a full explanation of the whole doctrine of salvation as held by the Church of England? The orthodox denominations would not object to that course, but there were many that would, and give very different interpretations, If the Bible were used as a class book, it ought to be properly explained, in order that the minds of the children might be furnished with sound and right principles, which would influence them to discharge the duties of life faithfully, honestly, and zealously. It was not for the mere teaching of letters that the Scriptures should be used in schools—that could be accomplished by a more secular course: but for the inculcation of morality and religion, for all true morality was founded on religion. A mere moral man was responsible only to himself, but a religious man looked higher, and owned that he was responsible not only to man, but to the Almighty. As soon then as such feelings were established in the mind of a child you had a guarantee for the soundness of his principles, and a security for his future good conduct. He should be sorry then to see any system of education flourish which excluded the principles of the Church of England—those principles which the country required the Sovereign to recognise and maintain.

Mr. *Gibson* must press his question on the Secretary for the Home Department. The inspectors had reported that the instruction in the national schools was wholly inefficient, both in a secular and a religious view of it. Why, the hon. and rev. Baptist Noel, and others, had been formally appointed to report upon the state of those schools. It was understood that the public money had been granted in order, that as far as that money could go to procure it, a *bonâ fide* education should be given to the people. The clergy had for years the whole apparatus of education in their hands; they had been tried, and found wanting. The consequence was a lamentable deficiency of public instruction. The inspectors who made that report were not indifferent to religion; they were clergymen themselves, and were not likely to say or do anything to discourage religious education; yet they said that the whole system of the national schools was calculated to maintain ignorance, as it taught nothing but mere formalities without any solid information. A plan was about to be put in execution for the establishment of industrial schools for pauper children—would they not also provide for the proper training of the children of the industrious and independent labourer? Let them adopt a sound system of education for the national schools, and not leave them to the mere lifeless and mechanical teaching of the Church catechism.

Sir *R. Inglis* earnestly hoped, that his right hon. Friend, the Secretary of State for the Home Department would not suffer himself to be misrepresented as he had been by a noble Lord in another place. He had, from the very first, contended, that no system of education deserved the name that was not based upon religion; and he felt it impossible to reconcile the inconsistency of granting a sum of money to any joint institution composed of persons of entirely different religious sentiments, to support a school in which the Scriptures could not be explained by one party without his being checked and told that he was violating the feelings of another; still, as the grant had been sanctioned by Parliament, as the system had in fact become the law of the land, he did not think her Majesty's Government were to be taunted because they had formerly opposed it, for administering it as they found it, and without carrying it beyond its former extent. He must say, however, that the doctrines which had been set forth elsewhere in relation to this subject, by one of the Colleagues of her Majesty's Government went far to violate that principle of neutrality, and to encourage sentiments which were destructive of the rights and privileges of the Established Church. The hon. Member for Montrose, in a whisper which he intended should be audible, said, that it was high time the interests of the Established Church should cease. He hoped the House would bear in mind that declaration of the hon. Member. But, perhaps, he was not sincere in it. At all events, he hoped that the hon. Member was sincere in another sentiment to which he had given expression, and in which he fully concurred. [Mr. Hume held up his hands with astonishment.] Why, the hon. Member seemed ashamed of it already. [Mr. *Hume* "No."] The hon. Member had stated, that while we were squandering large sums to repress crime, as he called it, we were sparing of money for the education of the people. He took down the words of the hon. Member at the time:—

> "We should save thousands and thousands by educating and instructing the people—those who are now perishing in ignorance and vice."

Why, that was the very opinion which

he (Sir R. Inglis) had endeavoured over and over again to enforce upon the House, and particularly upon the hon. Member and his Friends, with whom he differed only as to what was education. He asserted it was that which was begun in Christian schools under Christian teachers, and perfected in Christian churches under Christian ministers. That was a very defective education which left a youth at an age when he was most exposed to dangerous temptations without a church to go to, and a watchful training of him up to the state of manhood.

Sir *J. Graham:* I am most anxious to say a few words after what has fallen from my hon. Friend, who must think me unworthy of his friendship, if I could sit still and hear a Colleague assailed who is not present, and, therefore, unable to answer the charges made against him. My hon. Friend is peculiarly unfortunate this evening. My hon. Friend is a great stickler for order in this House, yet nothing could be more disorderly than the course he has pursued upon this occasion. My hon. Friend has not been content with referring to proceedings elsewhere, but he distinctly referred to a speech delivered by a noble Lord in the other House of Parliament. In that respect he had departed from order. My hon. Friend declares himself to be a sincere friend to the present Administration, yet, upon this occasion, he has taken a course which—though not designedly, perhaps, is calculated to foment jealousies and sow dissensions amongst the Members of her Majesty's Government. I cannot accept of any compliment from the hon. Member, at the expense of my noble Colleague, the President of the Council, with respect to whose conduct concerning a bill which has been mentioned, I will say, that bill has been read a second time in the Lords, and that whenever that bill shall be returned, whatever alterations may be made in it, I shall still adhere to my opinions. With the declarations made by my noble Friend, the President of the Council, as I understand the nature of them, I fully concur. I am not aware of any one sentence in his speech, from which I am prepared to dissent. My hon. Friend has stated in general terms, that those declarations are subversive of the Church of England. [Sir *R. Inglis*: If I used a phrase so strong as subversive, I retract it.] The moment my hon. Friend disclaims the expression, of course, I must cease to impute it to him; but he said, that those declarations were injurious to the Establishment. When my noble Friend made the speech alluded to, there were present the Primate of England, and several Members of the Bench of Bishops; not one of them reprobated the sentiments of my noble Colleague. Not one of them expressed opinions similar to those which the hon. Baronet, the Member for Oxford, has this night given utterance to. The hon. Baronet may consider himself a better guardian of the Church than the Archbishops and Bishops in Parliament assembled, but I must be allowed to retain my opinion, that if the learned Prelates who adorn the Bench of Bishops, and who were present when that speech was made in the other House, had heard the President of the Council make use of a single passage which merited the censure of being injurious to the Established Church, they would have risen in their places, and repudiated it, and denounce the measure which had been brought forward. But no objection was taken at the time by the Bench of Bishops to the speech of my noble Friend and Colleague, the President of the Council. I would ask, what does the hon. Baronet, the Member for Oxford, object to? The hon. Baronet has talked in general terms, but I have yet to learn what his specific objections are. With regard to the grant for the purposes of education, I will inform the House that her Majesty's Government adhere, as the President of the Council stated in another place, to the Minute of Council of 1839. That Minute was the result, it may be said, of a compromise, but it was a compromise dictated by the political opponents of the late Government. Who were the parties to that compromise? The Archbishops and Prelates of the Established Church. They were consulted on the question. Who are the inspectors? The inspectors of the national schools are appointed with the consent of the Archbishop of Canterbury, who has an absolute veto. The arrangement which was then entered into was one adopted by her Majesty in Council in consequence of the course pursued by those then in opposition to the Government, and who now constitute the Government of the country. That arrangement met with the full concurrence of the Prelates, the Archbishop of Canterbury, and particularly of the Bishop of

London. I can inform the hon. Baronet, the Member for the University of Oxford, that what fell from the President of the Council in another place, is in strict accordance with the Minute of Council of 1839, to which the Government strictly adheres. In the distribution of the grant of public money for the purposes of education, it is the intention of her Majesty's Government to act upon the terms of the Minute of Council of 1839, to which I have already referred. I repeat, that it is the opinion of the Government that no portion of the sum should be appropriated to the classes at Exeter Hall. It is thought that they do not fall within the limit of the Minute of Council, and that such an appropriation would be inconsistent with the terms of the grant now under the consideration of the House. On this point, I will say, that if her Majesty's Government should think it expedient to apply for a grant for the classes to which I have alluded, they would consider it their duty to submit, for that special purpose, a supplemental estimate, and take the sense of the House on the subject. If I were asked my opinion of the classes at Exeter Hall, I would not hesitate to assert, that a more innocent, a more moral or desirable recreation, and one more calculated for the amusement and instruction of the working classes after the arduous labours of the day, could not be well devised. I consider the efforts which have been made by those who have the direction of those classes praiseworthy in the highest degree. [Sir *R. Inglis:* That is not the question.] I must say then that I do not understand the purport of the hon. Baronet's observations or the ground of his objection. The hon. Baronet declared that the opinions of my noble Colleague the President of the Council have a tendency to encourage sentiments destructive of the rights and privileges of the Church, and are subversive of the principles upon which all education ought to be based. Is not singing an innocent recreation? I cannot conceive what especial objection the hon. Baronet can urge against it. What are the other three classes? They are instructed in arithmetic, linear drawing, and writing. I would ask whether there can be anything less exceptionable, or more advantageous and useful, than instruction in the three branches I have specified? It is said, this is education. I say no. The classes are composed of adults and artisans. Education, according to my view of the subject, consists in training the mind of the infant population with reference to their moral and religious duties. This is the recreation mixed with the instruction of the adults, at the class, after hours of labour. It is innocent and useful amusement instead of profligate debauchery. In reply to what has fallen from the hon. Member for Manchester, I will observe, that a large sum has been granted to the normal schools, and in Scotland such schools have been established in Glasgow and Edinburgh, in direct connection with the religious establishment of that country. The hon. Member for Montrose has observed that I speak like a person under the influence of great restraint. I can assure the hon. Member that I endeavour as far as I am able to speak frankly my opinions. I know nothing so indiscreet or unworthy, I was going to say dishonest, on the part of a Government, as to hold out vague generalities, big with promise, before their plans have been deliberately considered and well matured. The course which the hon. Member deprecates is not that which my right hon. Friend at the head of her Majesty's Government is in the habit of pursuing on any question likely to be brought under the consideration of Parliament. My right hon. Friend does not conduct the business of the Government on those principles. It is the endeavour of the Government to mature the measures which they bring forward, and having done so they will manfully support them. The subject of education the Government has been anxiously considering. The system of education which we recommend is based on the principles to which I have already referred. It is our own basis, and not that of our opponents. We will not only adhere to it, but do our utmost to extend it. Normal schools I think most desirable. With reference to those it is the intention of Government to enforce a most rigorous system of inspection. I think that it is wrong to suppose that 30,000*l.* is the whole of the expenditure for the promotion of education. It is true that the grant amounts to that sum, but 120,000*l.* or 130,000*l.* is annually appropriated by private individuals for educational objects in aid and in addition to the public grant. I acquiesce in the views expressed by the hon. Gentleman the Member for Tavistock. I believe that there are large sums bequeathed for purposes of education, which are misappropriated, and which may be made available. It will be the duty of the Government to investigate this matter, and to apply to the purposes of national education every fund, which in equity and law may be made answerable to this sacred use. If we should find it difficult to carry out these views with reference to education into effect, it is our intention to trust to the liberality of Parliament for an additional grant.

Sir *R. Inglis* said, that he admitted the force of the rebuke, and his justification must be that he followed the example of the hon. Member for Montrose.

Mr. *Vernon Smith* was too much rejoiced at the manner in which the right hon. Baronet (Sir J. Graham) had spoken out, to wish to say anything in contradiction to what he had stated, except on one point. The right hon. Baronet seemed to be in difficulty as to the object of the hon. Member for the University of Oxford. Now it appeared to him, that the only object of the hon. Baronet was, that the Government should revert to the opposition which was given to the Government upon this subject in 1838. There was one expression which had been used by the right hon. Baronet (Sir J. Graham) in reference to this question, to which he (Mr. V. Smith) objected. It was that the minute of council of 1839 was a compromise. It seemed to him to be an abuse of words. A compromise must consist of mutual concessions; but when the Government of 1839 brought forward their proposition, they did it with as much good faith as they proposed it in 1838. They brought their proposition forward, believing that it was the utmost measure the country would receive from the Government. He hoped the present Government were prepared to act up to that proposition. He conceived that the hon. Baronet the Member for Oxford, wished to create dissention between the right hon. Baronet the Secretary for the Home Department, and the noble Lord the President of the Council upon this subject. He, however, trusted that upon the question of education, the noble Lord (Lord Wharncliffe) and the right hon. Baronet (Sir James Graham) would move on hand in hand. He exceedingly admired the speech of the noble Lord the President of the Council; indeed, it was admired by the Marquess of Lansdowne, who was as competent a man as any to pass a judgment upon it. He was also much delighted to hear the speech of the right hon. Baronet (Sir James Graham), and he had risen simply for the purpose of correcting what he believed, if the right hon. Baronet had to speak again, he would admit to be an error, that the compromise was not dictated by the political opponents of the late Government, but that it was the result of mature consideration of the then Government with the heads of the Church, it being deemed essential to so important a measure as that of public education, that there should be perfect unanimity between the Government and Parliament.

Sir *James Graham* would gladly retract the word "dictation," but he must repeat that the minute in council was a compromise, and that that compromise resulted from the resistance offered by the then opposition to the proposals made by the then Government.

Mr. *Wyse* was much pleased that the Government had determined upon establishing the system of a normal school. He had always anticipated that a light would flow in, and that a period would arrive when both sides of the House would be anxious to assist in the spread of education, and he was glad to find that her Majesty's Ministers were the most forward in advancing those measures which they had formerly opposed. He thought the system should be one of a most comprehensive kind. Not only those schools which were under the immediate cognizance of the council should be the subject of inspection, but private establishments should be invited to place themselves under the same inspection, and should be included in the report of the inspectors to Parliament. He begged, in conclusion, to express his sincere joy, at the recent declaration of the noble President of the Council in the other House of Parliament.

Vote agreed to.

SUPPLY—LONDON UNIVERSITY.]—On the question that 4,516*l.* be granted for the purpose of defraying the expenses of the University of London.

Mr. *G. W. Wood* inquired whether the vote was the same as last year, and if not why it had been diminished.

The *Chancellor of the Exchequer* said, there was a diminution in the vote of 587*l.* Communications had been had with the

University, and the reduction in the salaries to that amount had been agreed to.

Mr. *G. W. Wood* believed the senate did not concur in the proposed reduction. They acquisced, but were opposed to it.

Sir *J. Graham:* The reductions made were principally in the salaries of the examiners, and as several of them were interested in the vote no doubt many of them were opposed to the reduction. They had also seats in the council, and voted in the apportionment of their own salaries. He was glad to say, however, that many of them approved of what Government proposed. One of the originators of the University, Mr. Warburton, highly disapproved of the examiners being also Members of the Council.

Mr. *Hume* wished to know whether any report had been made of the manner in which the former grant had been expended. He had always been opposed to the system of the council appointing Members of their own body to the office of examiners, which was a paid office, and the salary settled by themselves. He hoped the Chancellor of the Exchequer would call for a report in future, and would take care not to submit any other estimate without the House being made acquainted with the manner in which the former grants had been spent by means of a report. He wished to see the names of the examiners, in order that he might know if they were really Members of the Council; for he could not countenance a system under which a man might apportion a salary to himself. He was one of the first supporters of the University, but he must say the expense had very greatly exceeded his anticipations, and might be reduced with advantage to the establishment.

Mr. *G. W. Wood* said, the Members of the council had been asked to undertake the duty of examiners; they did not seek the office.

Vote agreed to.

Supply—Registration.] On the question, that the sum of 30,000*l.* be granted for defraying the allowances and expenses of revising barristers.

Mr. *Hume* wished to know, whether the decisions of those Gentlemen had been more uniform last year than they had been in the previous ones? In former times take any ten of them upon any one question and they would find five of one opinion and five of a contrary one.

Mr. *Cripps* had had the honour of being appointed a revising barrister, and he could assure the hon. Member and the House, that the conflicting decisions did not arise so much from ignorance on the part of the barrister as from the obscurity of the act of Parliament—some of the clauses of the act were utterly irreconcilable. If the Government were to apply their minds to the formation of a good registration bill, they would much benefit the country; of course he could not expect it in the present Session, but if the law were much simplified they could do with much fewer barristers, and, of course, the vote would not be so large.

Sir *J. Graham* did not intend to recede from his pledge. It was his intention, before the end of the Session, to ask leave to bring in a registration bill. Whether the hon. Gentleman would think it a good one or not he did not know, but it would most likely lead to a uniformity of decision, inasmuch as it would contain a provision for constituting an appellant tribunal.

Vote agreed to.

Supply — Collections for the Museum.] On the question that the sum of 4,740*l.* be granted to enable the trustees of the British Museum to purchase certain collections now offered to them.

Dr. *Bowring* wished to know why all the money required for the Museum should not appear under one head?

Lord *Stanley*: The Government were quite aware of the ordinary current expenses of the Museum; but when particular offers were made of particular collections, which it was for the advantage of the public should be accepted, then a specific vote became necessary.

Mr. *Hume* said, he thought some of these collections were purchased at prices far exceeding their value. He wished to know whether the Chancellor of the Exchequer received any reports relative to the value of the collections previous to their purchase, from persons who were qualified to form a just opinion of their worth; and if, that was the case, whether there was any objection to present those reports to the House?

The *Chancellor of the Exchequer* said, that the opinion of parties competent to judge of the value of these collections was always taken before the Government consented to purchase them. There was no objection to print these reports, if the House expressed a wish for their production.

Mr. *Ewart* said, the celebrated drawings collected by Sir Thomas Lawrence had been recently purchased by the University of Oxford. He considered that such a collection as that to which he referred to ought to have been placed in London, for a French writer had justly said that such places as Oxford were the cemeteries of the arts. He wished, therefore, to ask whether facilities for the inspection of these splendid drawings would be afforded to artists who would probably resort to Oxford—as well from abroad, as from all parts of this country—for the purpose of viewing them.

Sir *R. Inglis* thought he was bound to say that the collection to which the hon. Gentleman alluded would not have been obtained by the University, had it not been for the liberality of a noble Friend of his, Lord Eldon, who had subscribed 4,000*l.* towards the fund for their purchase. With reference to the question of the hon. Gentleman, the University of Oxford would of course exercise their discretion with regard to their own property; but he might state that they never had refused to admit artists, as well as other persons, to view this collection; and he had no reason to suppose that they would depart from this practice.

Vote agreed to.

SUPPLY—PRINCE EDWARD'S ISLAND.] On the question that the sum of 3,070*l.* be granted for defraying the charges of the civil establishment of Prince Edward's Island,

Mr. *Hume* said, that in 1818 this colony, through the Lieutenant-governor, proposed to bear its own expenses, on condition that the appointment of the officers of Customs, was placed in its own hands. He thought it was advisable that the colonies should have the management of their own civil establishments. He wished to know whether the officers of Customs in Prince Edward's Island were appointed by the Governor of the colony, or by the Home Government.

The *Chancellor of the Exchequer* stated, that the Custom-house officers held their appointments from the commissioners of customs in this country, and not from the colonial authorities.

Vote agreed to.

SUPPLY—WESTERN AUSTRLIA.] On the vote of 7,099*l.* for defraying the expenses of the settlement of Western Australia,

Mr. *Williams* thought it would be much better if the colonies maintained themselves, instead of their being supported by this country.

Lord *Stanley* said, experience had shown that in the infancy of colonies it was impossible they could bear their own expenses, and they must necessarily entail some expense on the mother country.

Mr. *Ward* complained of the course which had been pursued with respect to South Australia. If they created expensive colonial establishments and sent out officers over whom the colonists had no control, it was not surprising that their efforts at colonization failed.

Mr. *Hume* said, that in one instance an immense grant of land had been made to one individual in South Australia. He was convinced that if the Government dealt fairly by the colonies, they would soon be able to bear the expenses of their own maintenance.

Vote agreed to.

SUPPLY—COLONIAL ECCLESIASTICAL ESTABLISHMENTS.] On the question that a sum of 13,215*l.* be granted for defraying the expenses of the Ecclesiastical Establishments of the British North American provinces, and of New Zealand,

Mr. *V. Smith* said, since the proposal of this vote last year, an addition had been made to it for the salary of the Bishop of New Zealand. It was proposed by this vote that a sum should be granted by Parliament for the erection of a colonial bishopric in New Zealand. He was aware that the noble Lord opposite in making this proposal, was only following the example of his noble Friend near him, who had in 1840 made a similar suggestion. On that occasion he (Mr. Smith) urged his noble Friend to reconsider the proposal, and he was successful in inducing the noble Lord to relinquish his intention. He would not now enter into the question as to the policy of supporting the Church of England in our colonies. He was only anxious to ask the noble Lord opposite to withdraw from this vote the sum required for the Bishop of New Zealand, in order that the principle might be brought before the House for discussion in a more substantial form. Many colonies, some of them entirely Protestant, had no Episcopal establishment, and they at any rate had equal need of one with New Zealand. He was not arguing that no bisphoprics should be established, but what he contended for was, that they should not be paid for by the mother country, but by the colonies themselves. He had also another objection to the manner of supporting this bishopric. He had often heard the noble Lord the Secretary of State for the Colonies object to placing the payment of the church on estimates, and he was surprised at his proposing this vote. He had great objections on religious grounds to such a mode of payment. The vote might be agreed to one year and refused the next.

Lord *Stanley* could assure the right hon. Gentleman that he was not laying down any general principle in this instance, or assenting to the principle, which he condemned as much as any man, of making the clergy of the Established Church dependent on the votes of this House for their stipends. He begged to call attention to the grounds on which he proposed the vote. On the 31st of December, 1840, an official letter was written by the direction of Lord John Russell, then Secretary for the Home Department, to the Lords of the Treasury, in which it was stated that the subject of constituting bishoprics in the colonies had engaged much of his attention, and after mature inquiry he intended to advise her Majesty to found bishoprics in the Colonies of New Brunswick, Van Diemen's Land, and New Zealand; and that his opinion was that the Imperial Parliament should make provision for each of them to the extent of 600*l.* per annum, "which charge shall appear in the estimates." To that letter an official answer was written from the Treasury, which stated that their Lordships did not object to the proposed application to Parliament for provision of stipends to the bishoprics in question to the extent of 600*l.* each. As to the noble Lord having reconsidered the question, it was certainly true that no vote was taken on the estimates; but it was equally true that, so far from the noble Lord having given up his intention, he (Lord Stanley) found, when he came into office, not only that a decision was taken to appoint a Bishop for New Zealand, but that the rev. Mr. Selwyn had been appointed—that he was prepared to set out, and that the patent was in course of preparation, on the promise of Lord John Russell that he should go out on that provision in the Parliamentary estimates which was intended to be proposed in the former year, and which the right hon. Gentleman supposed he had persuaded the noble Lord to abandon. On the 10th of November last, he stated to the Treasury that, under the circumstance of Lord J. Russell's promise, and of the bishop's patent being in preparation, he conceived they were bound, in good faith and honour, to make good the promise of their predecessor, and, however objectionable he thought the placing of bishops' salaries on the annual estimates of Parliament, he was of opinion that, in this case, they had no alternative but to fulfil an engagement which was formally and officially entered into by the noble Lord. But he went further than this, for on an application to him by the committee for establishing bishoprics in the colonies, including New Brunswick and Van Diemen's Land, he stated that, with every desire to forward their views of appointing bishops, and placing the clergy of the Church of England in the different colonies under the superintendence of constituted authorities, yet where there was no colonial fund and no contributions from the society for that purpose, he could not take upon himself to propose to Parliament to place an annual vote for colonial bishops on the estimates, and, therefore, he declined to submit to Parliament a vote of 600*l.* for the Bishop of New Brunswick, or for the Bishop of Van Diemen's Land. The Bishop of Van Diemen's Land had been appointed by joint contributions from the colonial fund and the voluntary society. Another had been recently appointed for the Mediterranean; and by the assistance of the public and of the society, with aid from the colonial fund, he hoped to be able to appoint bishops in several other of our possessions; but he still retained his objection to placing a vote for colonial bishops upon the estimates. Therefore he had not taken a vote for any other colonial bishop than New Zealand, which he felt bound in honour to propose.

Mr. *Hume* said, it appeared to him to be an insult to the people of England to call on them in their present state of distress to pay money in this sort of way, and for such a purpose. If Lord John Russell had made this promise to Dr. Selwyn, Lord John Russell ought to pay the money himself. He should propose as an amendment, "that the amount of the vote should be reduced by 874*l.* 13*s.* 1*d.*, the expense of this bishopric." If his amendment were rejected, he should propose, that Lord John Russell be called on to pay the amount. He believed the noble Lord's salary was all paid up, so that they could not seize upon that. The hon. Member concluded by moving, that the vote be 12,340*l.*

Mr. *V. Smith* thought it better on such a subject to abstain from party allusions. He had made no attack on the noble Lord. On this point he did not agree with his noble Friend (Lord John Russell.) He was extremely sorry that the noble Lord had taken this occasion to make a mere miserable personal attack upon him.

Lord *Stanley* said, he had made no personal attack on the right hon. Gentleman. In consequence of the observations of the right hon. Gentleman, it was necessary for him to explain the precise circumstances under which he was called on to bring forward this vote.

Mr. *Hume* wished it to be understood, that if the House rejected his amendment, he should propose, that Lord John Russell do pay the amount which he had promised to Dr. Selwyn.

Mr. *W. Williams* was sorry his hon. Friend had not objected to the whole vote. It was an insult on the oppressed people of this country to call upon them to contribute to the ecclesiastical establishments of the colonies.

Mr. *Pakington* objected to the inconsistency which appeared on these estimates, that while this country was paying to the Roman Catholic Bishop of Quebec, there was no vote whatever for a Protestant Bishop of Quebec. No duty was more incumbent on the mother country, in his opinion, than to support the Established Church in Canada.

Viscount *Palmerston* said, he should certainly vote for granting this salary of the Bishop of New Zealand, as it was the proposal of his noble Friend (Lord J. Russell); but he did not vote for it on the ground that this country ought to pay and maintain ministers of religion in all her colonies. That practice ought to be the exception, not the rule. But in the case of New Zealand, where, as the colony was recently founded, there existed no means of making provision for a bishop, he thought it was right that the purpose should be accomplished by a vote of the Imperial Parliament. He therefore voted for the estimate, not wishing that this should be a permanent arrangement.

The committee divided on the question, that the grant be 12,340*l.*:—Ayes 25; Noes 131: Majority 106.

List of the AYES.

Aldam, W.
Berkeley, hon. Capt.
Bernal, Capt.
Brotherton, J.
Browne, hon. W.
Colborne, hn. W.N.R.
Colebrooke, Sir T. E.
Duncombe, T.
Gibson, T. M.
Greenaway, C.
Hawes, B.
Hindley, C.
Martin, J.
Morris, D.
Philips, M.
Plumridge, Capt.
Redington, T. N.
Rundle, J.
Somerville, Sir W. M.
Tancred, H. W.
Thornely, T.
Ward, H. G.
Wawn, J. T.
Williams, W.
Wood, B.

TELLERS.

Hume, J.
Smith, V.

List of the NOES.

Acland, T. D.
A'Court, Capt.
Aglionby, H. A.
Ainsworth, P.
Antrobus, E.
Arbuthnott, hon. H.
Arkwright, G.
Bagge, W.
Baird, W.
Baring, hon. W. B.
Baskerville, T. B. M.
Boldero, H. G.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Bruce, Lord E.
Buckley, E.
Burroughes, H. N.
Campbell, A.
Chapman, A.
Chelsea, Visct.
Childers, J. W.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, A.
Cockburn, rt.hn. Sir G.
Courtenay, Lord
Cripps, W.
Darby, G.
Dick, Q.
Douglas, Sir H.
Douglas, Sir C. E.
Douglas, J. D. S.
East, J. B.
Eaton, R. J.
Egerton, W. T.
Eliot, Lord
Escott, B.
Fellowes, E.
Flower, Sir J.
Follett, Sir W. W.
Ffolliott, J.
Forbes, W.
French, F.
Fuller, A. E.
Gaskell, J. Milnes
Gill, T.
Gordon, hon. Capt.
Gore, M.
Goring, C.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grimsditch, T.
Grogan, E.
Hamilton, W. J.
Hanmer, Sir J.
Hardinge, rt. hn. Sir H.
Hardy, J.
Hayes, Sir E.
Henley, J. W.
Herbert, hon. S.
Hodgson, F.
Hodgson, R.
Hope, hon. C.
Hornby, J.
Howard, P. H.
Hussey, T.
Hutt, W.
Inglis, Sir R. H.
Jackson, J. D.
Jermyn, Earl

Kemble, H.
Knatchbull, rt. hn. Sir E
Labouchere, rt. hn. H.
Lefroy, A.
Legh, G. C.
Leicester, Earl of
Lincoln, Earl of
Lockhart, W.
Lowther, hon. Col.
Lowther, J. H.
Lyall, G.
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Maclean, D.
Mainwaring, T.
Meynell, Capt.
Milnes, R. M.
Morgan, O.
Neville, R.
Newry, Visct.
Nicholl, rt. hon. J.
Northland, Visct.
Packe, C. W.
Pakington, J. S.
Palmer, G.
Palmerston, Visct.
Patten, J. W.
Peel, J.
Pigot, Sir R.
Plumptre, J. P.
Praed, W. T.
Pringle, A.
Repton, G. W. J.
Richards, R.
Rolleston, Col.
Russell, J. D. W.
Sandon, Visct.
Scott, hon. F.
Seymour, Sir H. B.
Sheppard, T.
Sibthorp, Col.
Smyth, Sir H.
Somerset, Lord G.
Stanley, Lord
Stewart, J.
Sutton, hon. H. M.
Taylor, J. A.
Tollemache, J.
Trench, Sir F. W.
Trollope, Sir J.
Trotter, J.
Turnor, C.
Tyrell, S. J. T.
Verner, Col.
Vivian, J. E.
Wood, Col.
Wood, Col. T.
Young, J.

TELLERS.

Fremantle, Sir T.
Corry, rt. hn. H. T. L.

Original question agreed to.

SUPPLY — EDUCATION (IRELAND).] On the question that a sum not exceeding 50,000*l.* be granted to her Majesty, to enable the Lord-lieutenant of Ireland to issue money for the advancement of education in that country.

Mr. *Plumptre* objected to the grant. Very few Protestants could feel themselves justified in sending their children to schools under the present system, and he was, therefore, strongly opposed to the vote, but he would not press it to a division.

Mr *Lefroy* concurred in the view of the hon. Member for East Kent. The petitions from the clergy of Ireland showed, that they were desirous to obtain a share of this grant, for the purpose of giving an education, founded on such principles as would make those receiving it honest men and good citizens.

Mr. *M. J. O'Connell* could not really see what the hon. Gentlemen opposite were looking for, except that those public funds should be devoted to the education of a peculiar sect. He should be the last man to disturb the harmony, which happily prevailed at present in both countries (with the exception of a small section of hon. Members opposite), and between both parties in the State, on the subject of edution. He believed experience had proved in both countries, that religion was not promoted by enforcing peculiar religious opinions in a system of education, but that it was far preferable to impart sound knowledge indiscriminately, leaving religious instruction to be conveyed through the tenets of each persuasion. The man who doubted the efficacy of this plan, must doubt the soundness of his own views on religion.

Mr. *Campbell* contended, that the hon. Gentleman opposite (Mr. O'Connell) was quite wrong in supposing that any change had taken place in the views of Gentlemen on his side. If he thought it necessary to divide the House, he was sure he should have a large number voting against this grant, on the ground, that the Scriptures were garbled in the national schools.

Captain *Jones* objected to this grant, because the system it went to support was a complete failure. He knew, that Protestants did not send their children to these schools, because the Scriptures were not used in a complete form.

Mr. *V. Smith* must say he was surprised, that the noble Secretary for Ireland left the system of Irish education to be defended by those at his side. The Secretary for the Colonies, too, was unaccountably silent when his own measure was attacked. How was it that the hon. and learned Solicitor-general, who was so active an opponent of this grant, was now a perfect mute, and that they had no opportunity of knowing his opinion, if some indiscreet person on his own side did not force a division. This was certainly a great night for education! First, the proposal of the Whig Government of 1839, as regarded England, was adopted. [Sir *J. Graham:* No; it was a compromise.] At all events, the Tories receded from the high ground they originally took when they acceded to the proposal of 1839, and it was denounced now with all the original bitterness of party animosity by the hon. Member for Oxford. Then came the vote for education on the most liberal principles; and, lastly, this Irish grant, which was assented to by all parties, or which would seem to be so if some inopportune division were not forced on by Gentlemen opposite.

Lord *Eliot* felt that the taunt of the right hon. Gentleman was not altogether undeserved, for he ought to have risen at an earlier period to reply to the attacks which were made on this system. The Gentlemen who had made those attacks had been guilty of gross misrepresentation, and he thought they could not possibly have read the report presented to that House. Had they done so they would have perceived that the secular instruction of the schools was open to all, and that the religious instruction was given at particular hours set apart for the purpose, and at particular places according to the direction of the local patrons by whom the funds were mainly provided. That was the basis of the system, but he denied that his noble Friend (Lord Stanley) had been the author of it, because it was embodied so far back as 1812 in a report on the subject of education, which report was signed by the Primate of Ireland, the Archbishop of Armagh, the Archbishop of Cashel, and the Bishop of Killala. He must also deny that mere garbled extracts from Scripture were all that was allowed to be read in the national schools. The Scriptural extracts used in those schools comprised the historical books of the Old Testament, St. Luke, and the Acts of the Apostles; but they did not supersede the use of the Scriptures; and he must say that the accusation made against the board, of garbling the Holy Scriptures, was entirely unfounded. In 1824 the commissioners reviewed all the education societies which had previously existed, and they found them totally inadequate for the purposes of education. They said, that owing to the system of teaching the Scriptures without note or comment, the system which was adopted by those societies, the children were absolutely ignorant of the very principles of religion, that they were ignorant of the meaning of what they read, and that they learned it, like parrots, purely by rote. This was the opinion of men of impartiality. It was stated by his hon. and gallant Friend, that Protestant children generally did not attend the national schools. Now, he could assure the House that there was no unwillingness or dislike to attend them on the part of any portion of the people; and that, where there was a non-attendance of Protestant children, it was owing, he much regretted to say, to the influence of the Protestant clergymen, who, no doubt, were actuated by conscientious motives, believing as they did that the present system was one which they could not fairly countenance. But the fact was, that the people had most willingly sent their children to be instructed in those schools, from which they had in many instances been withdrawn by clergymen. Mr. Hall, who was probably known to most hon. Members, stated in his pamphlet that the system was a total failure, but he went on to say that it was admirably well managed, and that it was only in consequence of the unwillingness of the clergy to co-operate that it was rendered ineffective. There was no doubt that in some places there were only four or five Protestants to 100 Roman Catholics, but then in other places the preponderance was just as much in favour of the Protestant children. If hon. Gentlemen would take the trouble of looking to the character of the population, they would at once see the cause of that. The average number of Protestants, compared with that of the Catholics, was not more than 4 or 5 per cent., while many of those Protestants were in easy circumstances, and beyond the necessity of availing themselves of the benefit of the national education. He asserted then that a very fair proportion of the Protestant children did receive education under the present system; and he could assure his hon. and gallant Friend that he had received reports from authority which fully bore him out in stating that a fair proportion of Protestants compared with the rest of the population did attend the national schools. He would not state positively, but he believed that one-eighth of those who attended the schools were Protestants. Looking to the nature of the population, and considering that a large proportion of the Protestants were in easy circumstances, and did not choose on that account to avail themselves of the system, he could not admit that the system was in any respect a failure. The commissioners stated in their report, that in the first year of its operation the number of schools was 759, in the next year 1,206, that in the last year the number had increased to no less than 2,377, and that the number of children to whom instruction was imparted in those schools was 281,345, and the number was continuing to increase. In the month of September last he attended the examination of the inspectors, and nothing, he assured the House, could have been more satisfactory than the statement which they made respecting the state of those schools. The system, as all who were acquainted with it must know, was what was called "intellectual"—a system by which the minds of the children were cultivated to a high degree. The books were well adapted to that object, and were drawn up with considerable talent and ability, and the teachers were men who were in every respect qualified for public instruction. Upon the whole, he must say, that the result of his inquiry, and he had taken no small pains to inform himself on the subject, was that, under all the circumstances of Ireland, a system better adapted to the wants of the people of that country could not be adopted.

Sir *W. Somerville* said, that he had listened with the sincerest pleasure to the speech of the noble Lord. The noble Lord had most correctly described the working of the system, and he had also correctly stated the reason why its operation was in some cases limited, that reason being that the clergy of the Established Church, he was sorry to say, had conscientiously considered it to be their duty to oppose the system. Something had been said about "raising the people of Ireland." Did not that mean depressing them to their former condition, when no Catholic could educate his children? [*Cheers from the Opposition benches.*] This cry, at all events, was most frequently in the mouth of that party who first prevented the mass of the population from receiving instruction according to their own religious tenets, and then reproached them for turbulence and ferocity.

Mr. *Jackson* said, he was persuaded the committee would feel that, considering the position in which he now stood, and the part he had for so many years taken in regard to the education of the poor in Ireland upon Scriptural principles, it was impossible for him to remain silent on the present occasion, more especially when it was recollected that he had been so pointedly alluded to from both sides of the House. The hon. Gentleman, and those who acted with him, were anxious to call him (the Solicitor-general) up in this debate, hoping that some party advantage might be gained by eliciting points of disagreement upon this all-important question, between the present Government and some of its most steady friends and supporters. He (the Solicitor-general) deeply regretted that he should be placed in a position which compelled him to rise in apparent opposition to her Majesty's Government, but he did so under a deep and solemn conviction of imperative duty. He did not, however, rise to oppose the present vote, which was to place 50,000*l.* at the disposal of the Lord-lieutenant of Ireland, for the purposes of education in Ireland, and he did hope that at least some portion of it might be applied in promoting education in that country upon sound principles. He was, however, bound to say, that even had this been a vote directly to the National Board of Education in Ireland, decidedly as he disapproved of their system, he should not feel justified in giving his vote for withholding the grant at this period of the Session. He thought that it would be manifestly unjust that the board should have been permitted to reckon upon the continuance of the annual grant which they had enjoyed for some years, and to enter into engagements and incur liabilities, but he fervently entreated the Government and the House most carefully and candidly to reconsider the whole question. He spoke under impressions of imperative duty, when he declared the noble Lord most utterly to have been in error on the subject of the Kildare school system. The new system had not been justified, but the contrary, by the inquiry of the commission. That commission consisted of Mr. Frankland Lewis, well known in that House—Mr. Glasford, a Scotch gentleman of great talent and respectability—the late lamented Judge Foster—Mr. Anthony Blake, a Roman Catholic gentleman of much talent, but who acted with perfect impartiality throughout the inquiry—and Mr. Grant, an English gentleman, who he believed was at the English bar. His noble Friend had stated the matter as if that commission of inquiry had been unanimous in their report; the fact, however was, that two of the able and enlightened members of the Board had dissented, and had supplied the grounds and reasons of their dissent, from the conclusions arrived at by their brethren. The dissentients were Judge Foster and Mr. Glasford. Now, he (the Solicitor-general), on the part of the Protestant people of Ireland, and of the Roman Catholic population also, most earnestly but respectfully called upon his right hon. and noble Friends composing her Majesty's Government, to take into account the propriety of carefully considering this great question. It was one of the most momentous importance. He would not disguise his opinions upon it. They were not taken up hastily, nor did they emanate from any unkind or uncharitable feeling towards any portion of the community, or towards any human being. On the contrary, he trusted he might say, with perfect truth and sincerity that they sprang from the most anxious desire to promote, by the best means, the temporal and eternal interests of all classes and denominations of his countrymen. With regard to the Kildare-place Society, what were the facts? When the Parliamentary grant was withdrawn from that valuable institution, in the year 1832, there were, according to his recollection,—and he begged to be understood as only speaking from recollection, not recently refreshed as to the numbers—(for he had reason to believe that this vote would not have been brought forward to-night)—but according to his recollection, there were then upwards of 1,500 schools, containing more than 130,000 scholars, in connection with that society; and he could say that a very large number of them were of the Roman Catholic persuasion. He believed that at no period were there so few as one-half of of the scholars in those schools Roman Catholic. What was the state of fact in 1824, at the unfortunate period when the commission of inquiry was set on foot? At that period the Roman Catholic hierarchy and priesthood in Ireland, anxious to put down scriptural education, and to obtain grants of public money for schools under their own control, used every effort to withdraw the children from the schools of the society. The commission called for returns from all schools as to the number of children receiving instruction therein, and they required these returns to be made by the clergy of all persuasions, distinguishing how many were Protestant and how many Roman Catholic; and the clergy were apprized that they must be prepared to verify these returns upon oath. There could be no doubt therefore of the correctness of these returns, so far as they went; and the proof of their accuracy as to the relative proportion of Protestant and Roman Catholic children in the schools of the Kildare-place Society was this;—that the returns made by the Protestant clergy and Roman Catholic clergy corresponded to a small fraction in the results; and they showed, that at that period of persecution—for he could call it no less—when the parents of Roman Catholic children were denounced, and the rites of the Church withheld from them, if they did not withdraw their children from the scriptural schools—at that period the returns showed that a majority of the children in the schools of the Kildare-place Society were Roman Catholic. This, then, was really a united system of education, and he challenged his noble Friend (Lord Eliot) to produce from the reports of the commissioners anything which was calculated to disparage the conduct or exertions of the managers of the Kildare-place Society. They did, undoubtedly, require as a fundamental principal, that the Sacred Scriptures without note or comment, should be used in its schools. This was "the head and front of their offending." But this did not impede its efforts for the spread of education. Quite the reverse; for he (the Solicitor-general) could say with truth, that the poor Roman Catholics of Ireland were desirous of access to the Scriptures. Bearing in mind the facts he had stated, he most earnestly but respectfully called on the Government to consider whether it were not a matter of the most grave and awful responsibility to exclude from contact with the Scriptures—the Scriptures of truth, which teach the way of salvation—the youth of the country, the great mass of the population, in that season, too, when the mind and the heart are most susceptible of impression! His noble Friend (Lord Eliot) spoke of the large proportion of Protestants attending the national schools. There might be many Protestants in those schools; but for the most part they were in separate schools, not united with Roman Catholics in receiving instruction. In some schools there was not a single Protestant; in others, not a single Roman Catholic was to be found. Now, the main inducement for, and object of, this new board was declared to be the establishment of a united system. In this there had been a failure. He believed it was in the very town represented by the hon. Baronet, his hon. Friend—if he would allow him so to denominate him—(Sir William Somerville), viz., Drogheda, in which there were two schools, at opposite sides of the street, circumstanced just as he had described. The great mass of the Protestant people of Ireland were opposed to this new system, both clergy and laity. It was quite true that he had presented a large number of petitions to that House on the subject of education; but he must correct the hon. Member for Kerry (Mr. J. O'Connell) in his statement that these petitions did not complain of the present system, and only sought aid for the Church Education Society. On the contrary, they one and all stated their conscientious objections to any system of education of which the perusal of the Sacred Scriptures did not form a part. They objected likewise to the constitution of the board, as being unfavourable to the Church; and that the working of the system, instead of tending to heal animosities in Ireland, had greatly aggravated them. He believed that he (the Solicitor-general) and his noble Friend the Member for Bandon (Lord Bernard) had presented petitions from every parish in the united dioceses of Cork, Cloyne, and Ross, against this system. The clergy, also, of this diocese, petitioned and protested against it. They could not conscientiously participate in any plan of education from which the Scriptures were excluded. Were they to be censured for this conscientious disapproval of these national schools? Did they merit the rebukes bestowed on them by the noble Lord? It was in the highest degree creditable to them, in his judgment, that they did withhold their countenance and support from such a system of national education, impoverished as they were. [*Cheers.*] Yes, —yes, impoverished; your course of policy has grievously impoverished them. "I believe," the hon. and learned Gentleman concluded, "two-thirds of the benefices of Ireland were under 300*l.* a year when the clergy were deprived of one-fourth of their income. But impoverished as they have been, there are in the diocese I have named, which constitutes the county of Cork, 210 schools, containing between 8,000 and 9,000 scholars, who are supported by voluntary contributions, mainly of the clergy. They are in connection with the Church Education Society, and even in those schools in which direct instruction in the catechism and formularies of the Established Church is given, a considerable number of Roman Catholic children is to be found. But now I put it to the British House of Commons, I put it to the enlightened men who compose her Majesty's Government, is it fitting that the only portion of the community practically excluded from the benefit of the public educational funds should be the humble Protestants of Ireland, and those Roman Catholics who wish to obtain scriptural instruction? This ought not to be so; and I again implore the most serious consideration of my right hon. and noble Friends near me to this all-important subject. The House will forgive me, I am sure, for this trespass upon them. I confess I feel warmly, and could not withhold the honest expression of my opinion, although I have the misfortune to differ from those with whom on so many other subjects I entirely agree.

Lord *Eliot* said, that his hon. and learned Friend had much misunderstood him if he thought that he meant in any way to depreciate the character of the Protestant clergy of Ireland. In regard to the schools, all he had meant was, that other means of instruction ought to be provided for those children whose parents did not like to let them attend those schools.

Mr. *Labouchere* said, after what had taken place to-night, he would not suffer the matter to rest here, without expressing a hope that the Irish Government and the hon. and learned Solicitor-general for Ireland (Mr. Jackson) would feel it to be their duty to promote the great and paramount object of the Legislature in its previous acts, namely, the general diffusion of information and education throughout Ireland. He had witnessed with concern what he must consider a positive and unqualified attack made by the hon. and learned Gentleman upon the noble Secretary and the Government of Ireland for its conduct in respect to these seminaries. The course of the hon. and learned Gentleman the Solicitor-general for Ireland was widely different from that which would be taken by hon. Gentlemen on this (the Opposition) side of the House, who were, he believed, most anxious to give their best support to her Majesty's Government in carrying out a liberal system of education for Ireland. He rejoiced at the announcement which had that night been made by the noble Lord the Secretary for Ireland, believing as he did that it conveyed the sentiments of the Government generally upon this important subject.

Lord *Stanley* said, the hon. and learned Solicitor-general had been so long a member of the Kildare-street Society, that there could be no surprise at his defending it. The Government, with the responsibility attached to it, and feeling respect for the opinions of those who supported them, had given their mature consideration to the subject, and their opinion was, that, notwithstanding many difficulties, the present system was one which gave the greatest amount of sound religious instruction to Ireland. He regretted the opposition, founded as it was on sincere motives, which had been offered to the system. The Kildare-street Society had been conducted in a most liberal manner, and that very liberality had prevented the attaining many of the objects it professed to gain. The rule calling together a number of children of different persuasions, and causing them to read the Scriptures without explanation, had the effect of making the language of Scripture sink more into the memory than the heart. A strong feeling having been manifested against the Kildare-street Society, he (Lord Stanley) felt that the effect of that education would be to exclude a great deal which should have been introduced in a school purely Protestant. He felt the present system contained the best solution of the difficulties, and gave the greatest amount of Scriptural education to the people of Ireland. He regretted that a certain want of co-operation, on the part of many Protestants, had interfered with the beneficial working of that system, and had led to a partial failure of it; but he believed that, notwithstanding those disadvantages, the system had done much to soften religious animosity in that country; and if they lost something from that want of co-operation, he was sure that they had gained much in the improvement of those schools, which the Protestants had established in a more exclusive system, arising from the spirit of rivalry which the Government system of education had introduced. He knew that many of his hon. Friends thought that a better system might have been introduced; he did not call upon them to sacrifice their opinions; but he said that there was nothing inconsistent in those hon. Friends of his, if they found that that system, mixed with evil though it were, had really advanced education in Ireland, and had taken a deep root in that country, giving a silent vote in favour of that system, though they would have preferred another. He hoped, therefore, that the House would not be called upon to divide on the question; but if it were, his opinions remained unchanged, and, having approved of the introduction of that system, in the first instance, as the best adapted to the circumstances of that country, he should give his cordial support to the present vote.

Mr. *Wyse* said, that the wide differences between hon. Gentlemen opposite, Members of the same Government, were very remarkable; the Solicitor-general for Ireland as strongly opposed the present system as the noble Lord, the Secretary for Ireland, supported it; and he must say that the reason given by the Solicitor-general for supporting this vote was more creditable to his talents as a lawyer than to his candour. He was, however, rejoiced to find that, of that great party which had, in the first instance, almost to a man, opposed the present system, but a few individuals now continued that opposition. The system had worked most successfully; it was realising the most sanguine anticipations of its friends, removing religious animosity, and teaching Irishmen of all persuasions, from their youth, to regard each other as brothers.

Viscount *Sandon* rose only for the purpose of expressing the opinion which he entertained, in common with many on that side of the House. He had opposed this system from the beginning, because he thought it not likely to produce happy results in a country circumstanced as Ireland was; but that opposition having failed, and the system having been established a considerable time, he, for one, should be most unwilling to disturb a great question like that, without being able to substitute another system more likely to succeed; and he confessed that he was not aware of any such system. Believing, therefore, it would be honestly administered, he would be sorry to disturb it; but he must say that he thought it the duty of Government to assist the exertions made by the Established Church of Ireland, in the cause of education, by other means than setting up a rival system. He might quote, in favour of that view, the practice in England of giving money to two societies; and he earnestly hoped that, in another year, the Government would take this matter into its serious consideration.

Mr. *M. J. O'Connell* could not help complaining of the allusion made by the hon. and learned Solicitor-general of Ireland, when he spoke of Mr. Blake as giving impartial evidence, although a Catholic. Such an observation evidently showed that the mind of the hon. Member was still strongly imbued with the ascendancy feelings which he derived from his education. The language of the hon. and learned Gentleman formed a singular contrast to that used by the Members of the Government. It was rumoured that the hon. and learned Gentleman was to be transferred to another place, and he therefore regretted it the more that he should give expression to such an uncharitable expression.

Mr. *Jackson* said, that if he had used the expression imputed to him, it was not in the sense which the hon. Member conceived. He had never intended to attack the Roman Catholics, for he believed that the statements of Gentlemen belonging to that religion were entitled to as much respect and credit as those belonging to any other church.

Mr. *Ward* was astonished at the conduct of the noble Lord, after the scruples which he had expressed, with respect to this vote, on former occasions. The noble Lord's example had been followed by several other Gentlemen on the opposite side, who now declined opposing a vote they, on so many former occasions, objected to. It appeared that the hon. Member for the University of Oxford had skulked out of the House. [*Cries of* "Order."] He was not aware that he was disorderly, but he would then say had stolen out of the House. [*Loud cries of* "Order" *and* "Chair."] Who, exclaimed the hon. Member, calls me to order?

Lord *Stanley:* I rise to call the hon. Member to order. I am sure that the hon. Member will, on reflection, be satisfied that he was out of order, and that he will regret having used the language that fell from him. I am sure the hon. Gentleman will feel that it was not orderly or proper to apply the terms skulking or stealing out of the House to another hon. Member. It was not possible for the hon. Member to know whether the hon. Baronet had left the House.

Mr. *Ward* would merely then say, that the hon. Member had stolen away. [*Loud cries of* "Order."] He would appeal to the Chair as to whether he was out of order.

The *Chairman* (Mr. Greene) said, that the hon. Member must be fully aware that there was not much difference between skulking or stealing away. On reflection, he was sure the hon. Member would not persist in his expressions.

Mr. *Ward* observed, then he would say that the hon. Member and other hon. Gentlemen who generally opposed this grant had walked out of the House. He was astonished that hon. Gentlemen opposite would not now divide against this grant, after they had made such serious complaints on the subject. He confessed that he should have entertained greater respect for the hon. and learned Solicitor-general for Ireland, if that hon. Member, entertaining the opinion that he did, had resigned his office rather than pursue the course that he had that night done. He could not help thanking his noble Friend, the Secretary for Ireland, for his generous and able speech on that occasion, in which he had expressed his determination to abide by the system.

Lord *Clements* complimented the noble Lord the Secretary for Ireland on the speech which he had that night addressed to the House—a speech which would create as much satisfaction in Ireland as the speech of the Solicitor-general for Ireland would create dissatisfaction. He approved of the system of education proposed, believing that it would do a great deal of good in Ireland.

Mr. Sergeant *Murphy* said, that it had been stated in the course of the debate that no division had ever taken place on this question, but on a reference to *Hansard* he found that a division, led by the hon. Member for Kent, took place on this question in June, 1840. The system of education adopted in the national schools was approved of by the people of Ireland, and he trusted that a division would shew who those were that opposed it.

The committee then divided:—Ayes 94; Noes 0: Majority 94.

List of the Ayes.

Aglionby, H. A.
Ainsworth, P.
Antrobus, E.
Archdall, Capt.
Baird, W.
Baldwin, B.
Baring, hon. W. B.
Baskerville, T. B. M.
Bateson, R.
Berkeley, hon. Capt.
Bradshaw, J.
Bramston, T. W.
Brotherton, J.
Browne, hon. W.
Burroughes, H. N.
Campbell, A.
Childers, J. W.
Clements, Visct.
Clerk, Sir G.
Colvile, C. R.
Courtenay, Lord
Cowper, hon. W. F.
Cripps, W.
Denison, E. B.
Douglas, Sir C. E.
Eliot, Lord
Escott, B.
Farnham, E. B.
Fellowes, E.
Ferguson, Sir R. A.
Flower, Sir J.
Ffolliott, J.
Forbes, W.
Fuller, A. E.
Gaskell, J. M.
Gibson, T. M.
Gill, T.
Gore, M.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grogan, E.
Hamilton, W. J.
Hardinge, rt. hn. Sir H.
Hawes, B.
Hayes, Sir E.
Henley, J. W.
Herbert, hon. S.
Hindley, C.
Howard, P. H.
Howard, Sir R.
Hughes, W. B.
Jermyn, Earl
Jones, Capt.
Knatchbull, rt. hn. Sir E.
Labouchere, rt. hn. H.
Lefroy, A.

Leicester, Earl of
Lincoln, Earl of
Lowther, J. H.
Mainwaring, T.
Masterman, J.
Morgan, O.
Morris, D.
Murphy, F. S.
Newry, Visct.
Nicholl, rt. hon. J.
Norreys, Sir D. J.
O'Brien, A. S.
O'Connell, M. J.
O'Conor Don
Packe, C. W.
Packington, J. S.
Philips, M.
Plumtre, J. P.
Rashleigh, W.
Redington, T. N.
Rundle, J.
Rushbrooke, Col.
Sandon, Visct.
Scott, hon. F.
Smith, right hn. R. V.
Smyth, Sir H.
Somerville, Sir W. M.
Stanley, Lord
Sutton, hon. H. M.
Taylor, J. A.
Thornley, T.
Verner, Col.
Vesey, hon. T.
Wawn, J. T.
Wood, B.
Wood, G. W.
Wyse, T.
Young, J.

TELLERS.
Fremantle, Sir T.
Pringle.

Tellers for the Noes.

Bernal, Capt.
Ward, H. G.

The House resumed on the question that the resolution be reported on Monday.

Mr. *Lefroy* said, that he had never given a vote with greater pleasure than that which he had just recorded in favour of the resolution; and his pleasure was the greater because he had shared in defeating the unworthy opposition of the hon. Member for Sheffield.

Mr. *Ward* said, that he did not mean to impute unworthy motives to any one, and certainly not to the hon. Member for the county of Longford; but he could not help noticing that the hon. Member for Kent, who voted against the grant on the last division, had not refused to support it to-night. He was perfectly satisfied with the result of the division, if for no other reason than the satisfaction it had given him of seeing the hon. Member for Kent recording his vote in favour of the grant. He only regretted that the right hon. Baronet, the Member for Oxford University, had been cautious enough to walk out of the House before the division took place.

Mr. *Plumptre* said, that the only reason why he voted in favour of the grant to-night was, because he was determined not to be driven to adopt the course which the hon. Gentleman opposite wished him to take. In order, however, to maintain his consistency, he begged to give notice that he would oppose the grant on the bringing up of the report.

Captain *Bernal* said, that he had consented to act as teller because he had been determined to show up to the country the inconsistent conduct of the hon. Gentlemen opposite.

Viscount *Sandon*: All that I will say is, that it was a very bad joke, and, like all practical jokes, will not raise the character of those who practised it. The absence of their leader has, I suppose, caused hon. Gentlemen opposite to play these pranks.

Sergeant *Murphy* thought that the extraordinary difference of opinion which had been exhibited between two Members of the Government was also to be attributed to the absence of their Lord and master.

Resolutions to be reported on Monday.

House adjourned at three o'clock.

HOUSE OF LORDS,

Saturday, July 16, 1842.

Minutes.] Bills. *Public.—Received the Royal Assent.*— Protection to her Majesty's Person; British Possessions Abroad; Stock in Trade; Sudbury Disfranchisement (Witnesses Indemnity); London Bridge Approaches and Royal Exchange Avenues.

3ª· and passed:—Wicklow Harbour; Cambuslang and Muirkirk Roads.

Private.—Received the Royal Assent.— London and Greenwich Railway (No. 3.); Leeds Burial Grounds; Leeds Improvement; Liverpool Improvement; Toxteth Park Paving and Sewerage (No. 2); Paterson's Estate; Davidson's Estate; Duke of Cleveland's Estate; Viscount Fitzwilliam's Estate; Vere's Divorce.

Adjourned.

HOUSE OF COMMONS,

Saturday, July 16, 1842.

Minutes.] Bills. *Public.—Committed.*— Lunatic Asylums; Fisheries (Ireland).

Petitions Presented. From Electors of Belfast, against the Issue of a New Writ for Belfast before the Registration shall be revised.—From Cork, for the Abolition of Night Work in the Baking Trade.—From Carlisle, for Medical Reform.—From the Convention of Burghs (Scotland) for the Repeal of the Corn-laws.

Riots in the Staffordshire Collieries.] Mr. *Ricardo* asked the right hon. Gentleman, the Secretary for the Home Department, whether the Government had received any intimation of the disturbances in Staffordshire.

Sir *J. Graham* said, that reports of some disturbances which had recently occurred in the pottery districts had reached the Government, but he was happy to state that there was nothing of an alarming nature in those reports. The necessary precautions had been taken for the preservation of the peace, for which purpose a small military force had been found sufficient.

Mills and Factories.] Lord *Ashley* wished to hear from the right hon. Baronet at the head of the Home Department, whether Government intended to introduce a bill this year for altering and amending the act relative to mills and factories.

Sir *J. Graham* said, it was not the intention of Government to introduce such a measure this Session. [Lord *Ashley:* "Hear."] He understood the cheer of his noble Friend. It was true that he (Sir J. Graham) had informed his noble Friend in private, that it had been the intention of Government to introduce such a bill; but, considering the advanced stage of the Session, the state in which public business now stood, and the thin attendance of Members, he did not think himself bound by any pledge given in private.

LICENSED LUNATIC ASYLUMS.] On the motion that the Order of the Day for the further consideration of the report upon this bill be proceeded with,

Mr. *Hawes* suggested the postponement of the measure, as one requiring further discussion.

Lord *G. Somerset* replied, that the bill was framed for the purpose of procuring additional information, in order to legislate permanently upon the subject.

House in committee.

On the first clause,

Lord *Ashley* expressed a hope that the measure would tend to ameliorate the condition of the pauper lunatics throughout the kingdom. He had formerly entertained some doubts as to the practicability of carrying out the system of non-restraint, but those doubts had been removed by a visit which he had lately made to the Hanwell Asylum. Having witnessed this system pursued there, he felt that he could not speak too highly either of the system itself or the manner in which it was carried out by the talented superintendent, Dr. Connolly.

Bill passed through committee.

House resumed.

FISHERIES (IRELAND).] Captain *Jones* urged the propriety of allowing the bill to stand over till next Session.

Lord *Eliot* could not consent to the proposition. The present state of the law in Ireland with respect to fisheries was most anomalous and unsatisfactory; and as to the bill now before the House, the general feeling in Ireland was in its favour.

Bill, with amendments, passsd through committee.

House resumed, and adjourned at five o'clock.

HOUSE OF LORDS,

Monday, July 18, 1842.

MINUTES.] BILLS. *Public.*—2^{a}. Bankruptcy Law Amendment; County Courts (England).

Committed.—Lunacy.

3^{o}. and passed:—Dean Forest Ecclesiastical Districts; Railways.

Private.—Reported.—Liverpool and Manchester Railway; Reading Cemetery.

PETITIONS PRESENTED. By Lord Cottenham, from Jeffery Harvey and others Imprisoned for Debt, for the Abolition of Imprisonment for Debt.—From Holme Cultram, against the Tithes Commutation Bill.—By Lord Beaumont, from the Cassingwold Union, for Alteration of the Poor-law Amendment Act.—From the Sheriff of Lancashire, to exempt that County from the Operation of the County Courts Bill.—By Lord Hatherton, from Colliers of Pilkington and other places; by the Marquess of Londonderry, Lord Brougham, and Lord Redesdale, from the Outwood Colliery, the Female Workers of the Carron Company Colliery and others, against parts of the Mines and Collieries Bill.—By the Marquess of Lansdowne, from Lessees of Coal Mines in Butterworth, Castleton, and other places, for Compensation.—From the North Wales Provincial, Medical, and Surgical Association; and by Lord Campbell, from the Provincial, Medical, and Surgical Association, against the proposed Medical Reform without further Inquiry.—By the Earl of Glengall, from the Corporation of London, for means to remedy the Smoke nuisance.—By Lord Brougham, from Alford, for the Abolition of Slavery in India.—From Louth Literary and Scientific Institution, to Exempt such Institutions from Taxes.—From the British and Foreign Anti-Slavery Society, for the Suppression of the Slave Trade.—By Lord Wharncliffe, from Leeds, for Inquiry into the Public Distress, and Relief.—From Silk Weavers of Macclesfield, for Protection.

PUBLIC DISTRESS.] Lord *Wharncliffe* said he had to present a petition from the mayor, aldermen, and burgesses of Leeds The petitioners begged to call the attention of their Lordships to the distress under which so many of their fellow-townsmen were now suffering, and had been for the last four years. That distress, if any doubt existed with respect to it, could be placed beyond all dispute by the returns relating to the relief of the poor, the rates for which had been doubled since 1838. These were for the in-door poor, but the increase in the number of out-door paupers, in the same time, and the increased expense attending on them, were enormous. The petitioners prayed, that their Lordships would adopt some measures, for the purpose of inquiring into the cause of the distress, with the view of devising some remedy.

The Earl of *Radnor* would beg to ask the noble Earl who presented this petition whether, with such a striking illustration of the distress of the country before him, he could, as a Member of the Government, advise her Majesty to allow Parliament to separate without endeavouring to find some means of relief for the poor by means of advances (as we understood the noble Earl) for the purpose of giving them employment? It was true we had now very fine weather, and employment was to be had by many, but the fine weather could not last for more than a couple of months more, and then people would be as bad or worse off than ever.

Lord *Wharncliffe* could not advise the adoption of the suggestion made by the noble Earl. He had hopes, that trade would get better, and more general employment would, of course, follow. As to inquiry into the causes of the distress, he did not see what good that would now do, for (as we understood the noble Lord) the repeal of the Corn-law would only make matters worse.

The Earl of *Radnor* should like to hear the grounds on which the noble Lord rested his hopes of trade getting better, and on which hopes the Government seemed resolved to do nothing, and not to recommend to Parliament to do anything. They used to hear talk long ago of the "omnipotence" of Parliament, and they had it on no less an authority, he believed, than that of Blackstone, that Parliament could do anything except turning a man into a woman, or a woman into a man; but it appeared, now, that Parliament could not, or would not, do anything, and in the meantime, the people were suffering—suffering severely.

Petition laid on the Table.

Law Reforms.] The *Lord Chancellor* rose to call the attention of their Lordships to the three bills which he had laid on the Table some time ago, relating to certain alterations in the laws of bankruptcy, to cases of lunacy, and to county courts. With the concurrence of his noble and learned Friends, who intended to take a part in the discussion, it was agreed that the whole of these should be considered as one for the purpose of such discussion. With respect to the first of these measures, that relating to bankruptcy, it would be in the recollection of many of their Lordships, that his noble and learned Friend who had preceded him on the Woolsack, had issued a commission to inquire into the state of the bankrupt laws. The commission so appointed proposed various alterations in the law; of these, he (Lord Lyndhurst) had adopted many, and so had his noble Friend (Lord Cottenham) near him, in the bill which he had brought in. On these, there could be no difference between them, and it would be better to leave them for consideration in the committee. The part of the bill to which he would particularly direct the attention of their Lordships related to the administration of the bankruptcy laws. When his noble and learned Friend (Lord Brougham) held the great seal, he introduced a measure which proposed very extensive alterations and reforms in the laws relating to bankruptcy. The manner in which, up to that time, those laws had been administered, the lists of commissioners, and the way in which they frequently acted as counsel in one cause, and judges in another, were at that time matters of loud and general complaint. Into the justice or injustice of those complaints, he would not then stop to inquire. It would suffice to notice, that his noble and learned Friend's bill abolished the whole of those commissioners, and appointed in their place six gentlemen of the bar of considerable legal experience and acquirements. In addition to these, there was an appointment of official assignees, whose duty it was to look after the assets that had belonged to the bankrupt, and should be collected for his creditors. The great advantages which had resulted to the trading world from this, might be judged of from one or two facts. Since the appointment of those official assignees, there had been collected upwards of 2,000,000*l.* of outstanding debts, which, but for their zeal and assiduity, would never have found their way to the pockets of the creditors—and on old commissions, some of which went as far back as 1810, there had been collected assets which amounted to between 300,000*l.* and 400,000*l.* for the benefit of the creditors. It had been complained of that two of those official assignees had not acted as they ought to have done in the discharge of their duties. Upon that he would only say that the matter was under investigation by the proper authorities; but let him observe, that in such extensive changes as had been made by the bill of his noble and learned Friend, it should not be a matter of surprise to find one or two not acting as they ought. Let him add, however, in justice to his noble and learned Friend who had made those appointments, that if any of them were deficient it had not arisen from the want of due diligence on his part in selecting properly qualified persons. He had availed himself of the best aid within his reach. He had sent the applications of the several candidates for examination to the Chairman of the East India Company, the Governor and Deputy-governor of the Bank of England, and to other gentlemen equally well versed in commercial matters, and fully competent to judge of the fitness of the candidates from their knowledge of them, and he believed that the appointments gave general satisfaction. Indeed, the working of the whole system, under his noble and learned Friend's bill, had been spoken of in terms of deserved praise by the trading community of London. That system, excellent as it was, only extended to the metropolis, which included a district of forty miles round it, but from the experience which was had of its working, the conclusion had been come to that it would be desirable to extend it. This could be done by extending the commissions 100 miles beyond London. To do this it was not proposed to draw a radius, but to take in certain counties which lay about that distance. This would increase the business by one-fifth, but still it could be performed without inconvenience to the commissioners. Then the question arose as to what was to be done with respect to the country commissioners. That was a question which was attended with some difficulty. In some counties there was one commissioner, in other counties there were two, and in others there were none. The consequence was, that it frequently occurred that professional men were called upon to execute a business with which they had little or no acquaintance. In some places it not unfrequently happened that the commissioner was personally connected or had pecuniary transactions with the parties who came before him. In one instance it occurred that there were upon the commission one petitioning creditor, two other creditors, and two debtors. Another inconvenience was, that the commissioners living at such a distance from each other, great delay took place, and considerable expense was incurred, in bringing them together. The intention, then, was to establish five central points at five great towns beyond the London district, vested with the same power which was at present reposed in the London commissioners. They would perform the same quantity of duty now performed by the London commissioners, having a similar range and a similar jurisdiction. It would be desirable, then, to add to the remuneration of the commissioners, because where there were increased duties, it would be but just that the remuneration should also be enlarged. The plan which he was now suggesting was his own, but whilst he was revolving it a memorial was forwarded to the Government signed by 650 of the most eminent traders and merchants of London, suggesting a similar plan. With respect to the abolition of imprisonment in execution, which was suggested by his noble and learned Friend, it was a question of great importance, but it did not necessarily or properly form an essential part of the measure which he was then propounding to their Lordships. His wish was, not to encumber his bill with any doubtful proposition, but to let each measure stand or fall upon its own merits. The next measure to which he would advert was that relating to the law establishing lunacy. The question had already been considered, and the outline of the bill had been stated. This bill he proposed to carry out by commissioners also, as in the case of the Bankruptcy Bill, the metropolitan district to extend over a space of twenty miles beyond London. At present those who had the administration of the law had not that amount of experience which the nice and delicate investigations upon which they had to enter would necessarily require. The alteration which he proposed was, that there should be two commissioners for carrying the law into execution, not only in the metropolitan district, but throughout the country. For this purpose he considered that the two would be quite sufficient. There was, another evil which the bill was intended to do away with, namely, the payment of the commissioners by fees—a practice which was calculated to lead to a prolongation of the inquiry. Another evil was the expence incurred in inquisitions, and in the interval between the inquisition and the order for maintenance, which was occasioned by no fault in the Master's-office. The noble and learned Lord read several instances of large expenses thus incurred, and the disproportion which the expenses bore to the income of the lunatic: in one case the expence was 520*l.*, and the income only 20*l.* a year. Surely, there ought to be some mode of remedying, he would not say, abuses, but expenses of this kind, arising out of an old system which admitted of alteration. The expenses were principally incurred in the Master's-office, and the evil might be obviated by empowering the commissioners to take evidence *viva voce.* He had several bills of costs in lunacy; in one, "In re Weaver," the bill amounted to 2,104*l.*, and what did their Lordships think was the income of the lunatic? The present income was 19*l.* 10*s.* a year. All the inquiries for which these expenses were incurred, were of a most simple kind, and could be conducted in a simple manner before commissioners. In another case, "In re Wood," the committee died, and it was necessary to appoint a new committee; and what was the expence? No less than 134*l.*, in addition to the other costs. Then it was necessary for the committee to pass his accounts the first year, and the costs of passing the accounts was 25*l.* What he proposed was, that two commissioners should be appointed, not only to preside at the inquisition, but that many of these inquiries should be conducted under their superintendence by *viva voce* evidence. He had conversed with many persons in the profession and in all branches of it, and every one had been favourable to this part of the bill. Another part of the bill was this:—certain visitors were at present appointed to go round to the lunatics, and report to the Lord Chancellor as to their condition. He proposed that the commissioners should be added to the number of these visitors, so as to give them a continued superintendence over every lunatic, in order that his comfort as well as his property might be secured. In many cases, after the appointment of the committee, nothing further was done, and in one instance a commission had been taken out, and two years afterwards the party found lunatic was met with in a public-house, no committee having been appointed and nothing having been done under the commission. He proposed that the commissioners should be taken from the highest Members of the Bar, and that they should have a constant superintendence over lunatics. By one of the provisions of the bill of his noble and learned Friend, the office of clerk of the custody of lunatics, was to be abolished after the death or resignation of the present holder. In this bill, power was given to the Lord Chancellor to grant compensation and abolish the office forthwith, as soon as means were found for that purpose. Considering that there were upwards of 500 lunatics under the charge of the Lord Chancellor, he thought that their Lordships would not think he had occupied too much of their time in pressing the subject upon their attention. The third measure was the measure of the county courts, and he approached the subject with some hesitation. He had always been adverse to the establishment of local courts, but he had found that local courts were constantly applied for, and if local courts were to be it was better that they should be framed upon one general system, than that they should be in various and anomalous shapes as at present. He had always considered the great evil of local courts to consist in local judges, and he thought if local judges could be got rid of (as he thought they might be to a great extent), it would be wise to propose a measure for the establishment of local courts; but local courts should not be established without a system of appeal. The object should be to render the law administered there uniform and certain; but if courts were scattered over the country without a power of appeal from them, or with a limited power of appeal, there would be no certainty in the law administered there, and no man would feel a confidence in them. If there were local judges they would be liable to local influence, and nothing could be more pernicious than such a system. The judges of assize, in ancient years, were not allowed to go on circuit into the counties where they were born or in which they dwelt, and this was on account of the bias they might receive from local influence and connexions. It had been said, by a noble Lord, that it was a reproach to this country not to have an institution which existed in other countries. But if their Lordships looked to other countries, and saw what was the operation of local courts there, they would think it a matter of congratulation rather than of reproach and regret that we were free from this evil. Upon a former occasion he had referred to the terms in which M. Royar Collard had described the local courts of France. That learned person had characterized them as "more inefficient and less respected" than the tribunals established before the Restoration. He (the Lord Chancellor) would alter as little as possible. County courts were a part of our ancient system of judicature. They were presided over by the county clerk, whose jurisdiction extended to 40*s*. If he extended their jurisdiction to 5*l*., he thought that substantially there would be no innovation. They might be held in any part of the county. If he appointed a particular place, and gave them a jurisdiction to the extent of 5*l*., and appointed persons of respectability and learning to preside over them, as he proposed to do by this bill, he thought he did not innovate upon this ancient institution. He proposed further, that the persons appointed to be judges of these courts should not reside in the provinces where they administered the law, but that they should make circuits, like the judges of the land, into the provinces with which they were not acquainted, and where they had no local connexions or prejudices. He proposed that there should be six or eight circuits a-year, to be made by barristers of a certain standing, to be appointed by the Crown, who should return to the metropolis after the circuits, where they could mix with their colleagues in the profession, and thus there would be a security for the uniformity of the law they administered. His noble and learned Friend (Lord Cottenham), whom he was always proud to follow, had in his bill suggested this course. Her Majesty in Council would appoint the times and the places for holding these courts, so that the principle of the measure only was laid down in this bill. If six circuits were made, each judge would have to dispose of 300 cases, and if eight were appointed, each judge would have between 200 and 300, which might be got through with great facility. It was not necessary that he should enter into any of the details of the bill—all the local courts bills which had been passed for several years contained the same clauses —in principle only they differed from this bill. He should not enter into a contest with his noble and learned Friend as to the merits of their respective plans. His noble and learned Friend had thought it better to establish a number of local judges (25 or 30) in different parts of the kingdom, which he had always objected to, and he thought his own a better course His noble and learned Friend's bill would render it necessary to appoint fifty-two barristers of ten years' standing to transact the duties which would devolve on them by his bill. It was a considerable advantage, that by his system not half the number of judges his noble and learned Friend would have to appoint would be necessary to perform the duties. For himself, he had no stomach to digest the appointment of fifty or sixty barristers, of ten years' standing, with salaries of 1,500*l*. a-year. He had thought it better thus to unite the three measures he had brought before their Lordships in one discussion, in order that they might dispose of them at once. He moved that the Bankruptcy Bill be read a second time.

Lord *Cottenham* said, that it would be a satisfaction for their Lordships to know that, with regard to the principles on which these measures were founded, there was little or no difference between his noble and learned Friend and himself. As far as bankruptcy was concerned, his noble and learned Friend had borrowed from his bill. In fact, his noble and learned Friend in one bill had copied sixty clauses from his Bill, and in the other he had copied seventy clauses. Therefore, as far as those clauses were concerned, there could be no difference between his noble and learned Friend and himself. The question of insolvency his noble and learned Friend had entirely omitted from his measure. During the first four years of the reign of the Queen, no less than thirty-eight acts had been passed for the purpose of establishing local courts. This showed the interest which the people took on this subject. What he differed from his noble and learned Friend about was, first, as to the mode in which these various jurisdictions were to be established; and secondly, the proposal which his own bill contained of uniting the laws effecting bankruptcy to the laws effecting insolvency. As his noble and learned Friend had entirely omitted that part of the case, it would be his (Lord Cottenham's) duty to call the attention of the House to it. It appeared to him strange that the remedial process against a man in trade should be entirely different from the process against a man who was not in trade. It was strange that the mere circumstance of a man's not being in some business should cause him to be excluded from the operation of the bankruptcy laws.

It was by appealing to the result of the experiments made by the bill which had been passed that he (Lord Cottenham) now asked them to extend the provisions of that bill, and to abolish imprisonment for debt in execution. If they adopted that principle, the difference between the bills proposed by his noble and learned Friend and by him would be greatly diminished. The report which had been laid on their Lordships' Table (and he need only refer to the names appended to that report to ensure it their respect and attention), stated, that out of 3,905 persons imprisoned for debt, only 361 were remanded—that was to say, that out of nearly 4,000 persons who had suffered imprisonment, only eight and six-tenths in every hundred had cases made out against them of having improperly dealt with their property, or otherwise so misconducted themselves as not to be entitled to their discharge. Out of these 361 dividends were paid in only 199 cases, and some of these dividends amounted to only *3d.* in the pound; and yet with this statement before them it was now proposed that a party, however ready to settle to the best of his power, should not be entitled to the benefit of the Insolvent Debtors' Act until he had first undergone imprisonment. Under the law as it at present stood, however honourably disposed the insolvent might be—however disposed to pay what he could, if a single creditor declared himself unsatisfied, this unfortunate person had no alternative but to go to gaol. By the provisions which he suggested this state of things would be put an end to. What was the expense incurred by the fact of which he had complained. It appeared that the expense of discharging these persons, 361 only out of nearly 4,000 being remanded, and dividends even of the smallest amount having been paid in only 199 cases, was 86,970*l.* The bills which he (Lord Cottenham) had introduced were three in number, relating to bankruptcy and insolvency, to county courts, and to lunacy. He must direct the attention of their Lordships to another point—the propriety of doing away with the future liability of insolvents. The commissioners had described some of the evil effects which arose from a system which went practically to prevent persons being once insolvent from afterwards realising property. [The noble and learned Lord read an extract from the report in support of his position.] Nothing could be worse than that a person once placed in these unfortunate circumstances should thereafter be incapacitated from possessing property, for men would not exert themselves to acquire property if the moment they had succeeded some other persons were to take it from them. Nothing, he would say, could be more cruel to individuals, or more impolitic to the State, than such a system. Let them only recollect that 4,000 annually, or 40,000 in ten years, were thus precluded from obtaining property. Such were the two principal points adverted to in the reports, and all the reason and argument were, in his opinion, on one side. He hoped their Lordships would read the report, and that having done so, they would come to the conclusion that it was right and politic to carry these propositions into effect. If this was done there would then be hardly any difference between the law of bankruptcy and that of insolvency, and he did not see the propriety of having two systems—two sets of machinery, where there was no difference in fact. In reality, two-thirds of the insolvents were already subject to the bankrupt laws, and if there were means to pay, the expenses would be treated under it. But under the present system there was one treatment for the larger trader, and another for the smaller one. With respect to the machinery of the bankrupt and lunacy laws, he (Lord Cottenham) did not defend the defects in those laws, having introduced bills to remedy them. But his noble and learned Friend had not adverted to one point—the great mass of business, such as commissions from the Court of Chancery, with bankruptcy, insolvency, and other cases, and cases relating to County Courts, which was transacted in the county; and he could not understand why, under the provisions of the bill, creditors should have frequently to go 100 miles to the commissioner. [The *Lord Chancellor:* The noble and learned Lord's own bill makes Dublin the only head quarters in Ireland, though that city is distant from Cork 125 miles.] He was not speaking of the way in which they managed matters in Ireland—he was alluding to England. He did not see how the business in the country could be satisfactorily transacted with the whole of England and Wales divided into only five districts, each district being placed under two commissioners. The insolvent commissioners, consistently with their duties in London, could only go three times a year for the purpose of discharging debtors—and here was one great grievance, that parties entitled to their discharge should have to wait for months for the arrival of the commissioner. He believed that the scheme of his noble and learned Friend, so far as the Lunacy Bill was concerned, would be altogether impracticable. With respect to the measure for the establishment of county courts, he thought that there was one defect in the Bill of his noble and learned Friend. He thought that there ought to be a permanent resident judge in every principal town, in addition to those judges who, under the Bill, would have to go circuit. He felt that there were many practical objections to the details of the measures, which would be better discussed in committee.

Lord *Brougham* expressed his concurrence in much of what had fallen from the noble and learned Lord who had last addressed the House, as well as in what had fallen from his noble and learned Friend on the Woolsack. With regard to the Bankruptcy Bill, as might easily be supposed, he thought its extension from the metropolis to the country would be highly beneficial, and as had been stated by his noble Friend, this was always his (Lord Brougham's) intention as soon as time should have tried and proved the merits of the system in the London district. The measure, when he introduced it, was admitted by him to fall short of what the country districts required. It appeared to him that the Lunacy Bill was also a great improvement upon the existing system, and would much tend to diminish the expense and delay to which parties were at present subjected. There was a very material difference between the two County court bills brought in by his noble Friends, and that which he had introduced to their Lordships, and which was rejected by a majority of only one. His bill gave a much more extensive jurisdiction to the local courts in matters of tort. It enabled them to try all actions of trespass, such as assault, seduction, malicious arrest, and, in fact, all actions whatever upon tort, to the extent of 50*l.* damages. It besides gave them jurisdiction in actions of contract, whether by specialty or simple contract, to the extent of 20*l.* The bill of his noble Friend confined the power of the courts to actions upon simple contract, excluding specialty, and, in actions of tort, the damages were to be limited to 20*l.* He still entertained the opinion that a local judge constantly on the spot, would be much more satisfactory to all the parties who were now compelled to go into court as plaintiffs and defendants than the judges of assize, and the expensive machinery attending such a mode of trial. He would, at the same time, give the parties the power of appeal upon matters of law. They should agree upon a case, in order to bring not the facts, but the law, before a proper tribunal, which should decide upon it. Such a course was absolutely necessary to keep the law uniform, and it was provided by his bill of 1833. He saw, also, no possible objection to give the voluntary jurisdiction to the local courts, even in the present bill of his noble and learned Friend. The County courts should have jurisdiction in all causes whatever by consent of both parties, as had been given to the Local courts in his (Lord Brougham's) bill; and he still continued to entertain his partiality to the court of reconcilement. Such a court would tend greatly to prevent parties from engaging in the litigation in which they were now too frequently involved, and so far from being as had been represented, a visionary scheme, it had for half a century been tried in other countries, Denmark especially, and with the most complete success. But the greatest point of difference between his bills and those of his noble Friend was, in respect of a resident judge and an ambulatory judge; and the more he had reflected on the subject, the less objection could he see to the appointment of a locally resident judge. One of the objections raised to such an appointment was, the different description of law that must arise in each district; but that would be avoided by the formation of an appellate jurisdiction that should govern all these different judicatures, according to one fixed rule of law. Another objection was, the partiality that would be likely to exist in the breasts of the judges, from local connections, local attachments, and intercourse with the individuals over whom they were to act as judges. But if persons of respectability and eminence in the profession were appointed, if they acted judicially with the watchful eye of the bar to which they belonged ever over them, and, above all, if they had the equally vigilant, although not equally discriminating, eye of the public ever regarding them, it would be impossible that anything of such a flagrant kind could happen, as that of showing partiality towards persons with whom they might be living in habits of intimacy. It was not found to be the case in countries where the experiment was not hazardous, and of recent date, but where such a law had always existed. The whole of Scotland, time out of mind, had been under the jurisdiction of local judges. The sheriff of each county was the judge ordinary, as he was called, of the bounds. He could act in all cases, a very few excepted, in which the Court of Session alone had jurisdiction; but, in nine cases out of ten of importance and value, the sheriff was the ordinary judge, with an appeal to the Court of Session. The sheriffs had the power of appointing deputies, who were generally attorneys practising in the country, to preside in their courts; and he had never heard of any charge of corruption or partiality being brought against even the sheriff substitutes, much less against the sheriffs who were barristers, as he proposed, of course, the local judges should be. It was most gratifying to him to reflect, that the bill which he introduced, in 1833, had the unanimous approbation of the Commissioners of Common Law Inquiry, to whom it was submitted previously to its being brought forward, with two exceptions; one relating to the amount over which the courts were to have jurisdiction, and the other to the subject of legacies. The commission was composed of very eminent and learned men, and included in its body the names of Mr. Starkie, the King's counsel, and well known also for his able periodical writings, Commissioner Evans, Mr. Serjeant Stephen, Mr. Justice Wightman, and the present Attorney-general, Sir F. Pollock, who all approved of his bill, except in the two cases he had related, and in which he had changed it to meet their objections. He still, therefore, entertained a hope that he should live to see a larger proportion of that measure made the law of the land than was introduced in the measure now brought forward by his noble Friend, which he admitted was a great improvement upon the present law, and he earnestly hoped it might pass, as a very large step towards a perfect system. He also trusted that imprisonment for debt would be abolished altogether, and should soon lay before their Lordships a measure for effecting this desirable object.

Lord *Wynford* thought that his noble and learned Friend on the Woolsack was entitled to the thanks of that House and of the country, for all the important and valuable changes which his bills would effect. He begged to say that, for his own part, he should always object to one local judge, and one judge going always the same circuit With reference to the appeal, he thought the best which could be devised would be to follow out the practice of the tax acts, by drawing up special cases in small causes, and then there would be a uniformity of proceeding. With such a provision, he could see no objection to allow parties to litigate causes, in the local courts, to any amount.

Lord *Campbell* could not deny that there was something good in these measures; seeing that one bill contained sixty clauses, and another seventy clauses, which had been taken from the bill of his noble and learned Friend behind him; but taking the whole as a system he was sorry he could not express his approval of it. He objected to the present bill, that it stood in the way of improvement, and it would be difficult to tell who would be subject to the Bankrupt-law, and who were not. But why should not the insolvent who was not a trader, especially on making a distribution of his property fairly and honestly,—why should he not be entitled to be discharged? But see the difference which was here made between one set of insolvents and another set. The bankrupt might have incurred debts to the amount of a million or millions of money, yet he got his certificate and suffered no imprisonment, and was then allowed to begin the world as a new man. But the small insolvent, who might have incurred debts not by any means to so large amount,—he had no commission of bankruptcy issued against him. He, poor man! must go to prison—he was not allowed to make a surrender of his effects,—he must undergo the degradation of incarceration, and it was not till he had been subjected to this degradation that he could be discharged, and then he did not commence the world as a new man, for all his after-acquired property was made liable. The commissioners who had drawn up that report on this subject recommended that this inconsistency and distinction should be abolished. That distinction, however, was perpetuated under this bill. The noble and learned Lord on the Woolsack might say that this point could be reserved for future consideration; but why, he would ask, had it not been considered in this Session? This was the third Session the bill had been laid on the Table of that House, recommended, as it had been, by the commissioners, who were composed of legal and mercantile men. If this matter were not considered and decided this Session, he despaired of ever seeing such a favourable opportunity return. This bill kept up the Court of Review, the Bankruptcy Court, and the Insolvent Debtor's Court, and there was a double system going on, not only in London but throughout the country. His noble and learned Friend would have no less than five functionaries employed to carry out his scheme; there were the judges to preside over causes for 5*l.*; then those who were to decide cases of 20*l.*; then there were the lunacy commissioners—the bankruptcy judges—and the judges to whom everything which came from the Court of Chancery would be referred; there would be, then, five different sets of functionaries to do what would be better done by one set, more efficiently and with more economy. And having once established these five sets of functionaries, if hereafter the Legislature should try to consolidate or amalgamate their offices, what would stand in the way of effecting that object? Why, these parties must be compensated, and there would naturally be a great reluctance to throw this charge on the public. He must again object to the distinction drawn between bankrupts and insolvents. Why should not the insolvent be absolved from his obligations on surrendering his property, and be enabled afterwards to support himself, and become a useful member of society? He would not then enter into the question of Imprisonment for debt on execution; he had had great satisfaction in carrying the imprisonment for Debt Bill through the House of Commons, and he was sorry that in their Lordships' House its operations was confined to arrest on mesne process. Half a loaf, however, was better than none at all. This, therefore, he hoped, was but an instalment of a debt which was due to the public. He would ask why, after four years' experience, they had not extended the operation of that act to the imprisonment on execution as well as mesne process? As to lunacy, the existing defects of the law would have been remedied by the bills of his noble and learned Friend near him (Lord Cottenham). He thought his noble and learned Friend had demonstrated that these commissioners would be unable, because they would have no time, to attend to the various duties vested in them. But he should think his noble and learned Friend on the Woolsack would hardly persist in carrying this bill; it would be better for him to defer the whole matter until he should have thoroughly digested the report then on the Table, and he thought that would make his noble and learned Friend a convert to their opinion, that there shonld be no distinction between insolvents and bankrupts, but that they should be placed under the same law. Then, as to the proposed improvements in county courts, he objected to having one judge for cases of 5*l.* and another for causes between 5*l.* and 20*l.* It would be better to have one judge to do all this.

The *Lord Chancellor*, in reply, said, that the county courts to which an objection had been taken by the noble Lord already existed, and that all the bill did was to extend their jurisdiction from 40*s.* to 5*l.* The new county courts did not exist, and their jurisdiction was to extend from 5*l.* to 20*l.*, so as to form a set of superior tribunals. As for the accusation that had been levelled against the bill, that he had borrowed it from a somewhat similar measure of his noble and learned Friend, the notion was ridiculous, for both his noble Friend and himself had had recourse to one common source, namely—the report of the law-commissioners, from the evidence and results of which he as well as the noble and learned Lord, had extracted much, if not all, that was valuable, and had embodied it in the bills which he and his noble and learned Friend had respectively introduced into their Lordships' House. In point of fact, both the bills which had been brought into their Lordships' House had been drawn by the same person, namely — Mr. Holroyd. It had also been said during the course of the debate that the commissioners of bankruptcy were not numerous enough to transact the business of the court within 100 miles of the metropolis; at all events experience proved that they were sufficiently numerous to transact all the business of the court within 40 miles of London. It was likewise asserted, that ten commissioners would not be equal to the performance of the country duties of the bankruptcy courts. So far was this from being true, that the number of bankruptcy cases throughout the country, taken altogether, did not amount to those of the metropolis. This fact was proved by the returns. Then, again, as to the lunacy commissions issued in the country, taking the average the number of lunacy commissions amounted to forty in the course of the year; of these one-fifth only were contested, and of the remainder, so vast a proportion of cases were tried in London, that one commissioner was quite sufficient to dispose of all the country cases of lunacy. With respect to the nature and importance of the cases which were to be tried under the present bill, all he could say, as far as the soundness of the judgments were concerned was, that such cases were always tried by an inferior class of judges, even in the metropolis; for the superior judges had always quite enough to do in their respective courts. The judges who would be appointed in the new county courts to try the 5*l.* to 20*l.* causes would be persons selected from the most practised and able barristers in Westminster-hall, and they, in addition to their general knowledge of the law and of the forms of practice, would have the merit of being perfectly free from all local influence in the courts to which they might be appointed. In conclusion, he begged to say that he had acted, in bringing in the bill before their Lordships, upon what he conceived to be a sound principle of legislation; and he had also endeavoured to accomplish what was easy of attainment, postponing what was matter of difficulty for after consideration.

Bill was read a second time.

House adjourned.

HOUSE OF COMMONS,

Monday, July 18, 1842.

MINUTES.] BILLS. *Public.*—1°· Customs Act Amendment; Stamp Duties Assimilation; Stamp Duties Repeal; Assessed Taxes Relief; Exchequer Bills Preparation.

2°· Lunatic Asylums (Ireland); Court of Exchequer (England).

Private.—2 · Crawford's Estate.

Reported.—Lagan Navigation; Coward's Divorce; Wide Streets (Dublin); Mersey Conservancy.

3°· and passed:—Earl of Devon's Estate.

PETITIONS PRESENTED. By Mr. Duncombe, Dr. Bowring, and Lord R. Grosvenor, from London, Sligo, and Chester, against the Tobacco Regulations Bill.—By Mr. D. Barclay, and Mr. Hutt, from Sunderland, Berwick-upon-Tweed, Gateshead, and Tynemouth, for the Reform of the Medical Profession.—From Cork and Wells, against any further Grant to Maynooth College.—From Killala, and Ballisakiery Dispensary, against placing such Institutions under the control of the Poor-law Commissioners.—From Potternewton, Rawdon, Leeds, Armley, Chapel, Allerton, Wortley, Beeston, Hemslet, Bramley, Farnley, Holbeck, and Heading-cum-Burley, against the Poor-law Amendment Bill.—From Parochial Schoolmasters of Abertaiff, for Ameliorating their condition.—By Mr. Villiers, from Leek, Girvan, Damerham, Ipstone, and Shrewsbury, for a Repeal of the Corn-laws.—By Captain Jones, from Dromore, against the Present System of National Education (Ireland).—By Sir R. Inglis, from the Archdeaconry of Wells, for Church Extension.—From the Corporation of Leeds, for an Inquiry into the Existing Distress.—By Mr. Shiel, from the Patent Officers of the Superior Courts of Common Law at Dublin, for Compensation.—From the Archdeaconry of Wilts., for alteration of Parochial Assessments.

CHURCH EXTENSION.] Mr. *Hawes* begged to ask the right hon. Baronet (Sir R. Peel) whether he was prepared to make the statement which he promised, on a former evening, relative to the subject of Church Extension.

Sir *R. Peel*: I recollect the hon. Gentleman saying that he should put a question to me on the subject, and if he doe so, I am prepared to answer it; but I had certainly no intention of making a voluntary statement on the subject.

Mr. *Hawes*: The right hon. Baronet partly answered the question on Thursday, and promised to give some further information to-day. However, I beg now to ask him what are the intentions of Government with reference to Church Extension?

Sir *R. Peel*: I wish only to preserve that order in our proceedings which is for the general convenience of Members. The motion of which my hon. Friend the Member for the University of Oxford has given notice on this subject, is submitted to the House, not in concert with the Government, and in the exercise of his right as an independent Member of Parliament. If my hon. Friend proceeds with his motion I shall take the course which I did last year. The motion last year was brought forward without consulting me, and I voted in favour of it, that is, in favour of the House resolving itself into a committee to consider the subject of spiritual destitution, and to determine on the terms in which an address to the Crown might be drawn up. I told my hon. Friend it was impossible for me to resist the consideration of such a subject, at the same time reserving to myself a discretion as to the terms of which an address should be composed. I shall pursue the same course at present, if my hon. Friend should persevere. At the same time I must say that, independent of such an engagement as that pledge would imply, her Majesty's Government is deeply impressed with the policy and necessity of taking this question into consideration, so far as several most populous districts are concerned; and I shall be perfectly prepared to consider the subject during the recess, binding myself in no way whatever as to the particular mode of fulfilling the object, but being prepared at a very early period next Session to state the view which the Government may take on the question. If my hon. Friend thinks at this advanced period of the Session, and when so many measures are to be disposed of, he can advance the cause he has at heart by pressing the discussion, he will, of course, do so. I have now given an answer to the hon. Gentleman's question. I should, perhaps, state that when I voted for my hon. Friend's motion last year, I left to the Executive to provide for the result of the resolution of the House; but if the abstract proposition were now affirmed, I should not feel justified, at this period of the Session, in submitting any vote for the purpose. So, that, in a practical point of view, the question would remain where it is, whether my hon. Friend's motion were agreed to or negatived.

Sir *R. Inglis* hoped the House would allow him, though it was irregular, to make a few observations. He was fully sensible of the disadvantage under which he laboured in bringing forward this motion at present. But the delay was inevitable. When it was stated by his right hon. Friend that he would take the subject into his consideration, coupling that announcement with the fact that he promised the same support as he had formerly given, he could not but think that he should best consult the interest of the great question which he had undertaken if he left it where it now was—in the hands of her Majesty's Government.

MAGISTRATES OF CHELTENHAM.] Mr. *Roebuck* said, that as a person named Holyoake had been committed at Cheltenham in an improper manner, he wished to know whether the right hon. Secretary for the Home Department had any objection to produce the correspondence which had taken place on the subject.

Sir *J. Graham* replied, that he felt called on, in discharge of his duty, to inquire into the circumstances of the commitment in question. He found that serious irregularities had been committed, and he expressed his opinion to that effect. But as legal proceedings were likely to result out of what occurred, he did not think it would be judicious in the hon. and learned Gentleman to press for the production of the correspondence.

CONDUCT OF THE IRISH GOVERNMENT.] The Order of the Day for a Committee of Supply read.

On the question that the Speaker do now leave the Chair,—

Mr. *Sheil*: I gave notice that I should move for the correspondence relating to the restoration of Mr. St. George to the magistracy, and that at the same time I should impugn the general policy of the Irish Government, of which the case of Mr. St. George is but an illustration, and charge them with a departure from those engagements into which, on their accession to office, they had deliberately entered. I thought myself bound to give this notice, because it would have been unfair to criticise their general conduct without a previous declaration of my purpose. If I had omitted to do so, it might have been justly said that to a mere motion for papers I had appended a charge of which no warning had been given. Having given notice of my intention, and furnished the noble Lord with a specification of the topics to which I mean to advert, it cannot, at all events, be said that I have taken any illegitimate advantage of him. I believe that some of those with whom I am in the habit of acting do not think that I have taken a judicious course in bringing forward a matter of so much importance at the close of the Session, when my noble Friend the leader of the Opposition is absent, when my right hon. Friend the Member for the county of Cork has been under the necessity of returning to Dublin, to perform the duties of his office, and so many of the Irish Members are away. The period, I admit, is inopportune; but I felt convinced that, if there be good reason for condemning the Irish Government, the Session ought not to be allowed to pass without directing the public attention to the grounds of imputation, and that, although these benches are comparatively deserted, the country would form its judgment, not by numbers, but by facts, that over majorities facts would at last prevail, and that although there are many who think that little is to be expected from a Parliament constituted like the present (thank God it is not immortal), yet from the influence of public opinion it was reasonable to expect that redress would be ultimately obtained. If an erroneous notion, founded on reiterated protestations, has gone abroad, that Ireland has been impartially governed, it is right that proof be given that the Irish executive are still pursuing the old Tory track, which will inevitably conduct them to the results to which it led before. I make those charges to your faces, and I give you the opportunity of repelling them. The course I have taken may be rash, but it is frank and fair. So far you will give me credit, and in the confidence that although you may not listen to me with favour, you will hear me with endurance, I proceed to state the pledges which you gave on entering into office, and to adduce the evidence by which their violation can be established. It is in the recollection of every one of us, that upon a great historical occasion, when he announced the motives which induced him to relinquish the task assigned to him by his Sovereign, the right hon. Baronet, the First Lord of the Treasury, ingenuously acknowledged that Ireland constituted his great difficulty. Ireland always was, Ireland is, and Ireland will always continue to be the chief difficulty of every Minister who continues to adhere to the policy, in reference to the government of Ireland, to which the vast majority of her representatives are opposed. Ireland is tied to you by such ligaments as acts of Parliament can supply; but, in many important regards, Ireland is still separate and apart, and the Minister by whom a policy is pursued in reference to Ireland, repugnant to the feelings of the great majority, in whom power is deposited, and which in an Irish Parliament could not be maintained for an hour, must of necessity meet with difficulties at every step, and whatever may be his ostensible success for a season, must be discomfited at last. To govern England through a majority of Irish Members is impossible; to govern Ireland through a majority of English Members is more than hard. Two years after the right hon. Baronet had made the declaration to which I have referred, he came into office with a vast accession of power, and, reverting to that declaration, announced that he would overcome the chief difficulty by the policy of conciliation and of peace. The noble Lord opposite, an amiable diplomatist, was named Secretary for Ireland. He proceeded to Cornwall, and, having been proposed by the brother of Lord Fortescue, delivered a speech full of noble sentiments, in which he declared, that Ireland should not be governed through a party. The words are so important, that I cannot refrain from reading them—

> "The Government would pay court to no party in Ireland: it would endeavour to do justice to all. It would not be the Government of a party, but of the entire Irish people."

These admirable professions were echoed by Lord de Grey, who, as representative of the Queen, was received with marked respect by the liberal party in Ireland. When I read the speech of the noble Lord, and the answers of Lord de Grey to numerous addresses, I concluded that a new and most fortunate era for Ireland had arrived; that all the great principles on which Catholic Emancipation was founded, would be carried at once into effect, that all the odious demarcations of sect and party would be effaced, that the system of exclusion, whether religious or political, would be utterly abandoned; that to the great offices of State, men of all parties and of all creeds would be admissible; that the patronage of the Crown would be equally and indiscriminately diffused; that the Government would place itself in sympathy with the nation; and that the affairs of the State would be carried on by men who enjoyed the confidence and the affections of the great majority of the people. I thought, that as the English majority of the right hon. Baronet was so large, he would consider himself independent of Irish Toryism; that he could afford to act without reference to the passions of that section of his supporters; that he would treat the menaces of dictatorial journalism with disregard; and that, by a total abstinence from party, he would not only endeavour to appease the resentment, but to win the confidence and the attachment of the country, for whose interest he professed to entertain a peculiar care. I could not bring myself to conjecture, that after such declarations as those to which I have referred, the old system of ascendancy would be partially restored, that the great officers of the law, the leading functionaries of the country, the judges of the land, would be selected from the hotbed of faction, that Catholics would as formerly be excluded from juries, that justice would be brought again, by a recurrence to the practices with which we were once so fatally familiar, into utter disrepute, that the ancient persecutions of the press would be revived, and that the Attorney-general with all his terrors would be let loose upon us. I remembered, indeed, that before Catholic Emancipation was carried, we were often told that justice should be impartially administered, that in the formation of juries no offensive distinctions should be adopted, and that to all offices to which Catholics were admissible they should be indiscriminately promoted. I recollected, that notwithstanding all these protestations, yet from the old routine of ascendency no deviation was ever committed—that the administration of justice was tainted in its sources—that to procure verdicts against men struggling for their freedom no expedient, however illegitimate, was omitted—that from every office to which access was given us by the law we were excluded, and that the professions which we had in prospect did but embitter the wrongs which were inflicted upon us. But I conceived that, now that a vast change had taken place—now that the Conservative Government could afford to use their Irish auxiliaries as they ought to be treated—now that they were secure of a majority, whatever course they took in Ireland, professions, for which there could not be any illicit motive, must needs be honest, and that, as the noble Lord had declared, not only the old misdeeds of ascendency would not be perpetrated, but that the great experiment of governing Ireland without reference to party would be tried. I state with pain, but it is fatally true, that in every one of these fond anticipations, I have been deceived. Of the practical application of the principles of Toryism no sort of mitigation has taken place, and as far as the Executive is concerned, they act as if Catholic Emancipation had never been carried. You have been in office for a year. In that period, how many of the professors of the national religion have you promoted? To what office, have you, who told us that you would govern Ireland without party, advanced a single member of that community, which in numbers, in wealth, in intelligence, and in power, is every day making so iresistible a progress? Instead of selecting from the seven millions which you were to govern with so ostentatious an impartiality—men who, placed in high station, would be seen by their country as the conspicuous proofs of your magnanimous sincerity. You have not appointed a single Roman Catholic to any one office of high trust and honour; and, in place of keeping your engagements, you have acted in a spirit of partisanship, so clear and so indisputable, that the difficulty consists, not in stating in what instances you have broken your undertaking, but in what single particular you have adhered to it. You will not call the appointment of Mr. O'Leary, by Sir Edward Sugden, to some small place (I do not remember what) a proof of impartiality—you will not call the employment of a few Catholic barristers in circuit business, worth some twenty pounds a year, a proof of impartiality What cares the country for these miserable and paltry nominations? The country looks to the offices through which a great social and moral influence is exercised, which are connected with the Government of the country, and which impart weight and influence to the whole community—with which the individuals who are the objects of high promotion are connected. You may tell me that you could not be reasonably expected to retain the law officers employed by your antagonists. Did you not, in 1835, retain Mr. Blackburne, who was Attorney-general to the Whigs; and did you not also retain Mr. Serjeant Green as counsel to the Castle? I will not inquire why you removed Mr. Pigot, because he was distinguished by the order of his political feelings; but why did you not press Mr. Monahan, the Catholic counsel to the Castle, to retain his office! The *Evening Mail* expressed a belief that the noble Lord opposite would endeavour to effect the retention of Mr. Monahan, but denounced his purpose. Mr. Monahan, who was not in Parliament, who had done nothing to excite animosity, who is most distinguished as a lawyer, was not solicited to retain office, and Mr. Brewste was substituted in his place. Sir, I am not only disposed, but anxious to do justice to a political adversary; and in reference to Mr. Brewster's appointment, which excited a great sensation in Ireland, I think it right to state, that the allegation that Mr. Brewster was a member of Brunswick clubs and Conservative associations was untrue; but he is a vehement politician, for which I do not blame him. He has as much right to his opinions as I have to mine. I do not think myself entitled to find fault with him for his politics; but I consider myself justified in saying that the Government, in substituting a strong Tory for a Catholic council at the Castle, did not adhere to their engagement. If the noble Lord had not told us that Ireland should not be governed through a party, and if Lord De Grey had not also been liberal of protestation, we should not have said a word of all their appointments. We should have considered it quite natural that those who had obtained a victory over the Irish people should act upon it. It is the contrast between their professions and their proceedings that gives us the chief right to complain, and makes us resent the delusion which has been attempted upon us, Your legal appointments were all of the same character—of eminent talents—but of the same character. The hon. Gentleman opposite was named Solicitor-general, and Mr. Warren sergeant. The former stood as candidate for the University, and was proposed by the latter. Both these gentlemen, with their new honours fresh upon them, denounced at the college hustings the national education system, to which the Government are pledged, and which must be regarded as one of the principal of their measures. It is strange to witness two of the leading law officers making the Government by which they had just been promoted the object, in a most important particular, of unqualified condemnation. With regard to Mr. Warren, a singular incident occurred. The Tory party thought, that although he and the late lamented Mr. West were of the same politics, yet that the sacrifices of Mr. West gave him a higher claim. Sir Edward Sugden, on account of the eminence of Mr. Warren at the Bar, gave him his support; but the clamour raised by the ultra party was so great, that Lord De Grey did not think it inconsistent with his dignity as viceroy, to express his regret that anything should have occurred to give displeasure to the supporters of that amiable gentleman. Upon the decease of Mr. West, who was regretted by all parties, on account of his personal merits, a vacancy occurred for the city of Dublin. Mr. Gregory started as the Tory candidate, and Lord Morpeth was set up as his antagonist. The gentleman whom I have mentioned attended the Protestant Operative Association, where, having declared himself an opponent of Maynooth and of the education system, the Rev. Mr. Gregg, well known by his invectives against the Catholic religion, moved a resolution in his favour. The Government adopted him as its candidate, and the noble Lord, who holds an office in the Castle, canvassed in his behalf. I do not stop to comment on the noble Secretary's fidelity to his professions in this transaction, but proceed to the statement of an incident connected with the election, to which I attach a good deal of importance, as illustrative of the policy to which the Government were determined practically to adhere. The Irish Municipal Bill was in operation; the sheriffs of the old and profligate corporation were still in office; the Government were entitled to appoint new sheriffs, under the Municipal Bill, and by a special clause in the act of Parliament, the power which was vested in the old corporations had not been transferred to the new, but was deposited in the Government. The old corporation having ceased to exist, there was every reason to have new functionaries, in place of those who derived their authority from a most corrupt, and, at that time, an exhausted source. The sheriffs were accused of having acted a most scandalous part in the preceding election; a memorial was presented to Lord Eliot, in which an application was made to him to cause new sheriffs to be named. If the nomination was to take place through the town-council, there would have been just reason for not complying with that entirely; but the call on the Government to appoint two men of high character, of whom the selection should rest with themselves, was surely a reasonable one; the application was sustained by a statement by Mr. Smith, a gentleman of unimpeachable character, that he had seen a deed by which one of the sheriffs transferred his authority to the other. The noble Lord, in his reply, stated that the Government would not appoint new sheriffs; that the sheriff who was alleged to have transferred his authority by deed, denied that he had executed a deed, and that Lord Eliot was convinced that no improper obstruction would be given. Did the noble Lord now think that no improper obstruction was given at the last election? But do not imagine that the matter rests there. When Lord Eliot's answer was communicated, a document was transmitted to him which set all doubt, as to one of the sheriffs, at rest. Mr. Brown, one of the sheriffs, when the Whigs were in office, was anxious to be made a knight, and wrote the following extraordinary letter to Mr. Eiffe:—

"My dear Eiffe—I regret I cannot, owing to my official duties, go to London with you this night, but I beg of you to deliver the enclosed letter to my friend Mr. Archbold. In soliciting from the present Government the honour of knighthood, I conceive I have very considerable claims on them. In the first place I am determined, come what may, to act in every way possible according to their wishes; and, were there no other circumstances in my favour, the immense reduction I have been enabled to make (through so happy a selection of a grand jury) in the taxation of the city of Dublin, ought to entitle me to their consideration. The very considerable influence I possess in the county of Dublin, equal to thirty votes in a contested election, shall be at their service, and, although it may not be due to the candidate from them, individual exertion on my behalf shall be exerted provided I get the *quid pro quo*. Pray let me hear the result of your personal communication with Mr. Archbold, and accept of the assurance of my positive promise to fulfil any pledge made on my behalf by you, appertaining to the honour solicited; and believe me to remain most sincerely yours, "A. BROWN.

"C. Eiffe Esq., Dame Street."

One would imagine that this composition would induce the noble Lord immediately to take steps to substitute another sheriff; but instead of doing so, in order, I suppose, to extricate himself from a difficulty, he thought it better to abscond; and although Parliament was not to meet until February, he set off for England. It is to be presumed that the noble Lord felt abashed at the transaction, and delegated the task which he shrunk from performing to Mr. Lucas, another of the functionaries selected by an impartial Government. On the very same day on which Lord Eliot's letter was dated, Mr. Lucas wrote an intimation that Mr. Eiffe's letter had made no change in the opinion of the Lord-lieutenant. With the results of the last election the House is acquainted. How those results were effected is equally notorious. But it may be said that, where a vote in Parliament was to be secured, allowance for a departure from your professions should be made; that your election sins are venial, and that you should be absolved from them without penance, and that when in the sheriffs of the late corporation you found instruments so accommodating, the temptation to resort to them was irresistible. Let us then pass to what you will consider matter of grave accusation. In his answers to the numerous addresses which were presented to him on his arrival in Ireland, Lord de Grey expatiated again and again upon the impartial administration of justice. The impartial administration of justice was the burden of all his manifestos. Lord de Grey appeared to think that protestations on that head were peculiarly requisite, and that his government was exposed to suspicions which it was necessary to anticipate. He thought, I presume, that when a great transfer of power had taken place in Ireland, and the government for the many had been succeeded by the government for the few, an apprehension would not unnaturally arise amongst the great mass of the people, that the spirit of faction would find its way back into our courts of justice, and that juries would be selected, and that judges would be nominated, upon a principle repugnant to the pure administration of the law. A judge in Ireland is invested with great and political influence; to that influence, the Registration Bill of the noble Lord opposite (I do not know whether it has been abandoned) would make a most signal augmentation. Looking at the condition of Ireland, in every point of view, I can scarcely imagine a greater calamity than a judicial partisan. Look at him on one of the Irish northern circuits. With what exultation on one side, and with what dismay upon the other, in a court-house crowded with factious hundreds to the roof, must those excited men, who are actuated towards each other by the fiercest antipathies, look upon the man who, attired in his robes of office, and seated high on the bench of justice, presents a memorial in his own person of our civil feuds, and revives by his presence the baneful recollection of the worst contentions by which we have been distracted. "He is one of us," whispers an Orangeman to his confederate. "What, is he sworn?" "No; but his heart is Orange to the core." "What chance is there of justice?" exclaims the father of the murdered Catholic, for whose slaughter he calls for vengeance on the men of blood. These suspicions may be utterly unjust, but they are inevitable, for the people cannot be persuaded that a man who has been taken hot and reeking from the encounter of party can, by a sudden process of refrigeration, cool down at once to the cold judicial temperament—that the moment he puts the ermine on, all his passions will be laid aside. When you talk of the impartial administration of justice, you must mean something: you do not intend to imply a vague and valueless expression, destitute of all practical signification; you must intend to convey to us an assurance that in the administration of the law, men free from all suspicion of political bias, and who have not been prominent as partisans, shall be promoted by you. From these general observations, I turn to the conduct of the Government, and to their realization of those professions of which they were so profuse. Judge Johnson, who had omitted to go circuit several times under the late Government, resigned on the accession of the Tories, and gave them an opportunity of carrying their virtuous declarations in effect. To prove that Ireland was not to be governed through affection, to prove that the administration of justice was to be impartial, to prove that the professions of my Lord de Grey were not mere imposture, to prove that to vehement partizanship no encouragement was to be given, to prove that to the old resources of Toryism you would disdain to resort, to prove to the Catholics of Ireland that they ought to place the most unqualified confidence in the honesty of your declarations, and the purity of your views, as successor to Judge Johnson—whom did you select? If to the peerage, to which his fortune was adequate—if to the House of Lords, where on Irish appeals, totally unconnected by party, he could by his knowledge and his talents have been eminently serviceable, in reward for his political services, which I do not mean to dispute, you had raised Mr. Lefroy, I should not have complained: his abilities, his acquirements his capacity to do good in a proper place, I freely admit; or even if you had tarried a little, if you had first appointed some man less conspicuous in party, and prepared the way for his elevation by previously reconciling the country to a step so bold, by counteracting the impression which it was likely to produce, by some liberal promotions, the case would have been different; but that, with your professions still fresh upon your lips, the ink in which Lord de Grey's answers were indited, being scarcely dry, you should, from the entire mass of the Irish bar, have made choice of a gentleman so conspicuous for the part which he had acted on every question by which Ireland has been agitated, for the last twenty years, was a most extraordinary proceeding. I bear, I protest, no ill-will to Baron Lefroy. I cannot injure him by an attack; you cannot hurt him by a defence. He is beyond the reach of both. If I run the risk of doing him the slightest harm, I should abstain from all reference to his name; but it is legitimate and just, where to the individual in question no injury can accrue, to animadvert upon the breach of pledges which is involved by his promotion. I have no right to condemn him, but I have every right to censure you; I doubt not that he has always acted a conscientious part; but his appointment is not upon that account the less a departure from your engagements, and a violation of those pledges which no one asked you to make, which were perfectly voluntary upon your part, into which you entered without deliberation, and which you have abandoned with discredit. To another of your judicial promotions I shall have occasion to advert, in referring to a trial in which he presided; but first let me direct the attention of the House to the facts out of which it arose, and to the course pursued in the formation of juries under the auspices of the Attorney-general. I am well aware that English gentlemen feel some surprise at the constant complaints which are made by Roman Catholics, that in the north of Ireland juries are almost exclusively composed of Protestants, and that we should attach importance to the religion of persons who are to arbitrate upon our lives; but if you consider the unhappy state of the north of Ireland, you will not be astonished at our thinking that a deep wrong is done us in this regard. Amongst those classes from whom jurors are taken, there exist strong religious and political animosities, and as trials constantly arise from the collision of Protestants and Catholics, it is most unjust that the juries should be taken almost exclusively from one side. The Orange Society is as an association ostensibly dissolved; but although it is represented as extinct, its spirit still walks abroad. If this system prevails to any extent to this hour, you should not consider it strange that the Catholics of the north of Ireland should desire that some of their brethren in belief should take part in the administration of justice, and that they should strongly object to the exclusive colour by which ordinary juries are characterised. Not very long ago, when my hon. Friend, the Member for Gateshead, arraigned the conduct of the right hon. Baronet, the Secretary for the Home Department, in the appointment of municipal justices, the right hon. Baronet insisted, that the pure administration of the law required that men of both parties should be placed together on the bench, and that he had done no more than correct what he considered a great evil, by modifying the exclusive character of the municipal magistracy. If there was any justice in these remarks, how much more applicable they are to those tribunals in Ireland, where party trials are of unfortunate recurrence, and where the lives of our fellow-subjects are at stake. I have made these observations, in order that the House may justly appreciate the effect produced in the north of Ireland by the course pursued by Mr.

Blackburne, her Majesty's Attorneygeneral for Ireland. I was considering the propriety of bringing the conduct of the Irish Government before the House, in order to obtain accurase information, I applied to Mr. O'Hogan, a gentleman of distinguished ability, who had been counsel for the next of kin in the case of M'Ardle's murderers, and for Francis Hughes, in another case, which produced a great sensation in Ireland. Mr. O'Hogan will be admitted to be a gentleman of great consideration, and of most distinguished ability. Sir, the statement sent to me by Mr. O'Hogan is to this effeet:—

"1. The Down Case.—Four men were indicted before Judge Crampton for the murder of Hugh M'Ardle. They were Protestants. The deceased had been a Catholic. The murder was one originating in party strife. The trial was fixed for nine o'clock on a Monday morning, but at that hour a trifling case was called on and a common jury sworn without notice or observation. The persons charged with the murder were then arraigned, and their agent declared that he would not exercise the right of challenging, but was content with the jury in the box. The agent for the next of kin states, that he had got the panel from the Crown-solicitor on the preceding evening of the assizes, to mark the names of persons who ought to be challenged by the Crown—that amongst the names which he did so mark, were those of some of the persons so empanelled—that, in court he urged the necessity of challenging those persons—that, as to one of them, the Crown-solicitor himself strongly stated to the Attorney-general, who conducted the prosecution, the propriety of bidding him stand by, but that the Attorney-general positively refused to allow any challenge whatever to be made. The result was, that the jury in the box was allowed to try the case. It consisted of eleven Protestants and one Catholic, and acquitted the prisoners, although the evidence for the prosecution was certainly of the strongest kind, and the charge of the judge was more calculated to procure a conviction than any I have ever heard delivered in a capital case. The agent for the next of kin has not been able to state to me the names of the persons to whom he objected, or the specific grounds of objection which he urged, but they had regard to the known party feelings and political prejudices of the individuals whom he desired to have excluded from the jury. The defence for the Attorney-general, made in Parliament and by the press rested in a great degree on the ground that the counsel for the next of kin did not object to the jury. Mr. Holmes and I were counsel for the next of kin. Until the last moment the Attorney-general would not allow the agent to retain me, and it was not till the Court was actually sitting that he brought me the brief, and told me the Attorney-general had at last allowed him to do so. I went at once to the Court-house, but when I got into Court, the jury had been sworn, the prisoners given in charge, and the arrangements completed. Mr. Holmes came into Court along with me, so that neither he nor I had any opportunity of objecting to the course adopted, and neither of us can, with any truth, be said to have sanctioned the adoption of it. The only person in a position to object—the agent for the next of kin—did object, as I have stated, but in vain."

"2. The Armagh case.—Francis Hughes had been twice tried for the murder of Thomas Powell. Two jurors had disagreed about the case. Hughes was a Catholic. Powell had been a Protestant. The first jury was composed of ten Protestants and two Catholics. One of the Catholics would not find a verdict of guilty. The ten Protestants and the other Catholic (this is material) were understood to have wished to convict. They could not agree and were discharged. The second jury was composed of nine Protestants and three Catholics. It is understood that the Catholics and one of the Protestants were for an acquittal, the rest for a conviction. They also were discharged. Hughes was put upon his trial for the third time at the last spring assizes. The trial was fixed for nine o'clock in the morning, but, as in the Downpatrick case, other prisoners were arraigned at that hour, and a common jury was sworn without challenge or observation. This jury was composed of ten Protestants and two Catholics. When Hughes was put to the bar, his agent said that he would consent to take the jury in the box, without challenge, if the Crown solicitor, as he had done in Downpatrick, would also abstain from challenging. This was peremptorily refused, and the panel was called. The panel was then called. The prisoner's counsel, Whiteside, Napier, and I, proposed to challenge for cause, and to ask the jurors whether they had expressed opinions hostile to the prisoner? We had been allowed to do so at the former trial, and every man who admitted the expression of such opinions had been set aside. Now the Crown counsel objected to the question altogether, and insisted that the expression of such an opinion should not exclude from the jury-box. The matter was argued, and the judge ruled that the question could not be put, and that the expression of such an opinion did not disqualify the jurors. He put us to prove their expression of hostile opinion by extrinsic evidence, which we had not to produce, and many persons, who would have been excluded, had the declaration of adverse feeling been enough to exclude them, and had the Crown and the Court allowed us to inquire into the facts from themselves, were sworn upon the jury. The calling of the panel proceeded, and the Crown challenged every Catholic who was called, until a jury had been sworn. There were ten Catholics called."

Mr. O'Hogan proceeds to state that the

jury having been thus constructed, the trial proceeded, Hughes was convicted and executed. It is not denied that ten Catholics were set aside by the Crown. Six are alleged to have been publicans; but the rule laid down by Chief Baron Brady was, that ordinary publicans, especially those living in remote situations, should be set aside. One of the Catholics set aside in Hughes's case has a spirit licence indeed, but he is a wealthy man, and keeps a large hotel in Armagh. But these four Catholics challenged who are not spirit venders, I cannot conceive why they were set aside. Sir, as I understood that the defence of the Attorney-general rests in part on his having followed the course which Mr. Pigot had approved, I applied to the noble Lord for the correspondence between Mr. Pigot and the Crown solicitor, Mr. Hamilton, but that correspondence was refused. Mr. Pigot did not consider it to be consistent with his duty to give me the correspondence. I cannot tell exactly what took place between him and Mr. Hamilton; but this I know, that however it came to pass, ten Catholics were struck from the jury under the present Attorney-general; that under Whig Attorneys-general the juries were not exclusively Protestant, and that through the whole of the north of Ireland the course pursued by the legal authorities created a great ferment. It is not wonderful no explanation was given by the law officers of their motives for striking all the Catholics off. If they had a justification they did not give it, and it is not strange that great and, I will add, just indignation should have been produced. To all classes of the Catholic community the feeling which was excited by Hughes's trial rapidly extended, and the Roman Catholic Primate, Dr. Crolly, the head of the Catholic church in Ireland, a man of the most moderate politics, a most determined antagonist of the repeal of the union, a man not likely to be readily under the influence of rash popular emotion, roused and awakened by what he considered a monstrous injustice, addressed a petition to this House, which, whether you consider the nature of the statements, or the character and functions of the eminent man, deserves your most solemn consideration. I recollect that the noble Lord, the Secretary for Ireland, stated in this House, that the Catholic clergy in the south of Ireland had zealously and most efficiently co-operated with the Government in their efforts to put down disturbance. The spirit evinced by that powerful and influential body ought to be an inducement to the noble Lord to give heed to the solemn admonition given him by the man who, although as poor as an apostle, is regarded by the Catholic millions within his sacred supervision with more respect than if he rolled in all the pomp and gorgeousness of your Establishment. The newspapers, naturally, inevitably took up Hughes's case, and at once an occasion was opened to the Attorney-general to indulge in his favourite official propensity. The Attorney-general is, in some instances, the most inert, in others the most formidably-active of public functionaries. Take the case of Mr. Biddulph as an example. Mr. Biddulph, a magistrate of the King's County, prosecuted two men for firing at him three times; at the last trial he admitted, on his oath, that he had advised the men, whose lives he was seeking, and who were out on bail, to abscond. That statement was made by Mr. Biddulph, in the presence of special counsel, sent down by Mr. Blackburne to attend the trial; yet Lord De Grey, who does not, it seems, read the newspapers (he leaves that to the Attorney-general), never heard of it, and it was only when the matter was brought forward in Parliament that Mr. Biddulph was dismissed. But for any want of vigilance as a Tory magistrate, Mr. Blackburne makes up by the keen sagacity with which he peruses the press. From 1835 to 1841 there were six Whig Attorneys-general, and during that entire time not a single prosecution against the press was instituted, although the Tory journals teemed with the most atrocious vituperation directed against every Member of the Whig Administration. But Mr. Blackburne's views of the freedom of the press are different. His political history is this: He had signed a petition against Catholic Emancipation, and was made Attorney-general when the Whigs came into office. When the noble Lord opposite and the Secretary for the Home Department resigned on the appropriation question, the right hon. Francis Blackburne (declaring that the office of Attorney-general was not a political one) fel no prick of conscienee, and very prudently stuck to his office. When the Tories came in, in 1835, they found Mr. Blackburne Attorney-general, and Mr. O'Loghlen (that most distinguished judge, to whom no praise is equal) Solicitor-general —they got rid of the Catholic Solicitor-general, but they saw in Mr. Blackburne qualifications which reconciled them to him. Never was there in Irèland a more terrific functionary. His prosecutions were almost countless. Although Attorney-general to the Whigs, he had endeared himself to their antagonists, and on the present Government coming into power, he was reinstated in his old employment, and he has already instituted one prosecution for words, and two prosecutions against the press—one against the *Newry Examiner*, and the other against the *Belfast Vindicator*. The article in the *Belfast Vindicator* is strong, but not a great deal more so than Dr. Crolly's petition; and with articles fully as virulent, and a great deal more false, the Tory press in both islands almost daily teems. Mr. Blackburne having instituted a prosecution against Mr. Duffy, the proprietor of the *Belfast Vindicator*, and the bills having been found, a special jury was impanelled. The course adopted in empanelling a special jury is this—forty-eight names are furnished by the clerk of the Crown, of which the defendant strikes off twelve and the Crown-solicitor twelve. The list of twenty-four, after this process is gone through, is called the reduced list. In the list of forty-eight, there were nine Catholics. The alleged libel related to the exclusion of Catholics from the jury in Hughe's case; it involved a question of Catholic and Protestant. You may have reasons to give for the constitution of the jury in Hughe's case, but for your proceedings in the libel case, I am at a loss to discover a pretence. You struck off eight Catholic jurors out of the nine, and you left only one Catholic on that special jury by which a publication, touching a question in which the feelings of Catholics are most immediately involved, was to be tried. I have here the names of the special jurors whom you struck off, and with the exception of one (the proprietor of a Whig paper), I see no justification for your conduct—I say your conduct, because the act is that of the Attorney-general, and of the Crown-solicitor who are in your employment. The Catholics struck off all men of respectability and of station. Was it not your duty, as you profess to govern Ireland without reference to party, and to be devoted to the impartial administration of justice, to take care that on this trial, at least, for a libel, there should be a just admixture of Roman Catholics? There are seven millions of Catholics in Ireland, and on a special jury, sworn to try a case between the Crown and the subject, one Catholic is left on. We are seven-eighths of the population, and we are a twelfth of the jury. The trial proceeded, and the Attorney-general, addressing himself to the jury, with one Catholic in the box, stated the alleged libel, and then insisted that whether the libel was true or not, was not the question—declared that he would not prove the falsehood of the libel, and insisted that the defendant could not rely on its truth. Why then prosecute? What effect would the conviction have on the public mind? Could it have the most remote tendency to establish what was really the matter in issue between the country and the Attorney-general, namely, that the Attorney-general had violated his duty. The case for the defendant was most ably stated by Mr. O'Hogan. That gentleman, notwithstanding the intimation given by the Attorney-general, was proceeding to refer to the facts which took place at Armagh; but when he uttered these words, "but the fact could not be controverted, that while eleven Protestants were on the jury on the trial of a Protestant, when a Roman Catholic came to be tried elsewhere, his jury consisted of Protestants," the Solicitor-general, who went over specially to attend the trial, interposed, and insisted that the truth as a defence could not be even stated. The chief justice informed Mr. O'Hogan, that as the truth was not a defence, he would avoid any statement which he could not prove. Mr. O'Hogan was not even permitted to state the facts: evidence of those facts was excluded, and the chief justice, the publication only having been proved, delivered what certainly was "a charge" to the jury. Chief justice Pennefather was appointed by the present Government to his high office. He, too, had signed petitions against emancipation; and as a proof that Ireland was not to be governed through a party, he was raised to the highest place on the common law bench. It is well known to every Gentleman in this House, that Fox's celebrated act empowers the judge in a libel case to give his opinion "as in other criminal cases;" and in other criminal cases judges are not in the habit of delivering impassioned appeals to the jury, and of resorting to the language of vehement declamation. Chief justice Pennefather was a very distinguished advocate at the bar, and his forensic habits appear to have been associated with his judicial attributes. He said, that it was of no sort of consequence whether the facts stated in the publication were true or not, that the Attorney-general was not subject to the cognizance of the press; and then, in the exercise of his right to give his opinion as in other criminal cases, he said,

> "Was there ever a more diobolicial libel than that? In my opinion never! I am not to decide the question, but I am to give you my opinion and that is, that this is a gross and infamous libel, and that is not mincing the matter."

Sir, I believe that this language startled the entire of the Irish bar, even the Tory party in Ireland did not approve of it, they saw in it a formidable precedent. I do not believe, that there is a man on the English bench by whom such language would be uttered. But, Sir, there are suggestions made in the speech of Mr. Blackburne, and in the charge of the Chief Justice, in which there is much truth, and which deserves the consideration of this House. Mr. Blackburne and Chief-Justice Pennefather declare that it is before the House of Commons that charges against an Attorney-general should be preferred. Be it so, and as those charges cannot be investigated without a committee of inquiry, if you desire to ascertain the truth of the allegations which have been made against Mr. Blackburne, you will grant a committee to inquire into them. If the circumstances are complicated; if minute details are required, it is only before a committee that a satisfactory investigation can take place. How prompt were the House of Lords in giving a committee to inquire into the course pursued by Lord Normanby's Government. We shall see the noble Lord produce Mr. Pigot's correspondence with Mr. Hamilton, and we shall hear much of Catholic publicans. I suppose that he will also tell us why eight Catholics were struck off from the special jury, but if he thinks that he has a real case, and that justice is on his side, let him grant an inquiry into the administration of justice, and let us see whether it has been as impartial as we were told so often by my Lord de Grey that it would be; or whether, on the contrary, notwithstanding all your ostentatious professions, you adhere to the old Tory system — govern Ireland, as you never failed to do, through the intervention of party, and act through your subordinates in a spirit diametrically counter to the principles on which Catholic emancipation was founded. Sir, I have gone through most of those charges against the Irish Government of which I have given notice to the noble Lord, with the single exception of that to which I commenced by adverting. There is this distinction between it, that if you have a defence, you can at once establish it by laying the correspondence before the House. I impute to you, in Mr. St. George's case, a compliance with the requisitions of the faction, which you occasionally affect to resist, but to which you almost invariably bow down. In the year 1837, Lord Normanby sent Mr. Crofton, a stipendiary magistrate, to Galway. Certain resolutions were passed by the magistrates, in Mr. St. George's district, condemning the appointment of Mr. Crofton. Mr. St. George was not content with passing resolutions; he addressed a letter to the Secretary for Ireland. For this letter, in the opinion of the Duke of Wellington, he was most properly dismissed. In December last, four magistrates applied to Lord Clanricarde to effect the restoration of Mr. St. George. Of these four magistrates, three had concurred, with Mr. St. George, in passing resolutions against Lord Normanby. Lord Clanricarde recommended the restoration of Mr. St. George. Sir Edward Sugden insisted on an apology being made for his offensive letter. Sir Edward Sugden, although opposed in politics to Lord Normanby, saw in him the representative of his Sovereign; he felt that before Mr. St. George should resume the seat of justice, he should retract the insulting language which he had employed, and repair the wanton insult which he had offered to the representative of the Crown. Lord Clanricarde communicated the conditions on which Sir Edward Sugden insisted to Mr. St. George, and a most positive refusal was given by Mr. St. George to offer any retractation whatsoever. Mr. St. George concluded, that he was not to be restored to the magistracy, and made no kind of application on the subject. But the matter was taken up by the Tory press, and the Chancellor was denounced for having demanded an apology for an insult offered to Lord Normanby. Lord Normanby was justly enough the object of their special antipathy to the faction which he had the courage to defy and encounter, and from whatever could wound his feelings they derived an unworthy exultation. The pressure of the whole Tory press was brought to bear upon Sir Edward Sugden. Lord Clanricarde having heard the conditions required by Sir Edward Sugden, and having ascertained that Mr. St. George would not comply with them, did not interfere any farther. He felt the justice of Sir Edward Sugden's demand, and he saw at once that to restore Mr. St. George, after he had refused an apology, and thus virtually re-asserted all his imputations, would be an affront to Lord Normanby. He heard nothing further on the subject. Sir Edward Sugden made no communication to him. He concluded, of course, that if anything further in the business was to be done, he, as the Lord-lieutenant of the county, would be apprised of it, and would be made the official medium of communication. Who, indeed, could conjecture that, having required an explanation, which was refused, Sir Edward Sugden would so far descend from the high position which he occupies as to give way either to the menaces directed against him by the Tory journals, or to any individual solicitation? But what was the astonishment of those who were aware of what took place, when they were informed that after Sir Edward Sugden had deliberately and officially required that Mr. St. George should make an apology, and after Mr. St. George had as deliberately refused to do so, and after all communication with the Lord-lieutenant of the county had ceased, and after it had been made matter of vaunt and triumph by the Orange newspapers that Mr. St. George had adhered to his original offence,—yet that the Government had restored Mr. St. George. The noble Lord opposite stated in the House, that Mr. St. George had been restored in consequence of a subsequent application. From whom? We have not heard. The original affront was not a secret—the demand that Mr. St. George should apologize was not a secret—the refusal to apologize is not a secret—but the application in favour of Mr. St. George is a secret; but of its clandestine character it ought to be divested, and brought under the cognizance of the House of Commons. Mr. Sheil concluded by moving for the correspondence.

Lord *Eliot* rejoiced that an opportunity had at length been given him of vindicating the character of the Irish Government, and of showing to the House and the country that the charges which had been brought against them were entirely destitute of foundation. The right hon. and learned Member for Cork (Mr. O'Connell) had, on the 18th of April last, presented a petition to that House, to which the right hon. and learned Gentleman opposite had adverted in the course of his speech, containing certain charges against the Government of Ireland, and upon the assurance then given to bring the subject under the notice of the House that petition had been ordered to be printed. That petition charged the Government of Ireland with having tampered with the administration of justice in that country, and down to this day the pledge then given by the right hon. and learned Member for Cork had not been redeemed. The right hon. and learned Member for Cork was not now there to substantiate the charges he had made. But if hon. Gentlemen on the other side of the House had preserved for so long a time an unbroken silence in reference to those charges, the organs of the party of which these hon. Gentlemen were the distinguished leaders had not adopted the same course. On the contrary, the whole liberal press in Ireland had repeated those charges from time to time, and had dealt pretty generally in invective against the Government. He contended, that if hon. Gentlemen believed these charges to be well founded they had neglected their duty, and forfeited the trust reposed in them, by suffering the Government so long to escape the condemnation which such conduct as they charged against them merited. The right hon. and learned Gentleman had commenced his speech by a reference to a speech which he (Lord Eliot) had made to his constituents at the last election for East Cornwall—a speech which, he must say, was a mere spontaneous declaration of his feelings, for he had not been called upon by his constituents for any declaration of his opinions, but he had thought it right to state the general views he entertained before he was called upon to fill any office. The right hon. and learned

Gentlemen had also referred to the answers made by his noble Friend at the head of the Government of Ireland to the addresses presented to him when he first went to that country. He could assure the right hon. and learned Gentleman and the House, that they adhered to those declarations, both in the letter and in the spirit; but he thought the right hon. and learned Gentleman, on reflection, would see that he had attributed to those declarations a meaning which no one who looked at the question fairly and with an unbiassed mind would place upon them. The hon. and learned Gentleman asked them (the Government) why they had not bestowed the patronage of the Government in Ireland without reference, not to religious opinions merely, but to general political views? He would ask, had ever any Government acted, or ought any Government to act, upon that principle? Why it would be destructive to all the principles of combination on which Governments in this country were constituted. The Government was not the Government of a party, but of the whole empire; they looked to higher considerations than those of party to guide them—they looked to the due administration of justice to all parties, and took care that no one party in the State should domineer over another; and that religious opinions should cease to be the test of fitness for political employment. He could not believe, that any Government meant, by the declaration of those principles, that they should bestow their patronage indiscriminately on political opponents as well as on political friends. The right hon. and learned Gentleman, then, had put a forced construction on the language he had held in the spirit to which he had referred. He contended, that both himself and his noble Friend the Lord-lieutenant of Ireland had acted up to the declarations to which the right hon. Gentleman had called their attention. He would now endeavour to follow the right hon. Gentleman through the various details he had brought forward as to the conduct of the Government, and in defence of the various appointments which they had made. The first case brought forward by the right hon. and learned Gentleman was that of Mr. Monaghan. Now, entertaining a sincere respect for the high legal attainments of that Gentleman, he still thought, that the retention of that Gentleman by the present Government as the legal adviser of the Crown, would not have been compatible with the principles upon which the Government were anxious to proceed. He believed Mr. Monaghan was an advocate for the repeal of the Union. [Mr. *Sheil:* "No, no."] At all events, he was a strong political partisan, and had refused, as he had been informed, to drink the Queen's health; and it would, he thought, have been most inconsistent with his duty, and the duty of the Government with which he was connected, to continue that Gentleman in his office. He would now state what had taken place in reference to the appointment of Mr. Brewster. That gentleman had been recommended by his right hon. and learned Friend the Attorney-general for Ireland, as a person peculiarly well qualified for the duties of the vacant office. He was aware, that it had been charged against Mr. Brewster, that he was a member of the Brunswick club, and a violent political partisan, and that he was also what was called an exterminator—that was to say that he was a person who ejected many of his poorer tenants for the purpose of gratifying a political feeling. He had thought it right, previous to the appointment of Mr. Brewster, to institute the most rigid inquiry into those charges, and he found, that Mr. Brewster had succeeded to an estate in Carlow on the death of a relation, who having only a life interest in the property had not been very particular in its management, and had permitted several persons to build up cabins by the roadside. These, Mr. Brewster found, were for the most part people of abandoned character, who were in the habit of committing all sorts of crimes, and had become a nuisance to the whole district. The occupiers of those cabins Mr. Brewster served with notice to quit; and although he had never received any rent from them, he distributed between 80*l.* and 100*l.* amongst those who were so ejected to enable them to go elsewhere, while those who were of good character he retained upon the estate. In the case of another of his Roman Catholic tenants Mr. Brewster added to his farm. [Mr. *Sheil* had not referred to the conduct of Mr. Brewster in reference to his tenants.] No; the right hon. Gentleman did not; but the statement having been publicly made, he had thought it right to refer to it. In another case, where the tenants had injured the land, and wasted the property, Mr. Brewster gave to the best of them 35*l.* to settle themselves elsewhere. This gentleman also succeeded to some property in the county of Wicklow, which was occupied by Roman Catholic tenants, and those tenants still continued in their holdings, no attempt having been made by Mr. Brewster to dispossess them. He was also letting some of his land in Carlow in building lots, but until certain parties, who were connected with the property, attained their majority, he could only grant leases for ten years. He denied, then, the truth of the allegation, that Mr. Brewster was either a violent political partisan, or what was termed an exterminator; and there was no ground whatever, which had come to his knowledge, which should have induced the Government to decline the services of one of the ablest men at the Irish bar in an office for which he was peculiarly well fitted; and he felt it to be his duty here to express the high estimation in which he held Mr. Brewster, arising from the official intercourse he had had with that gentleman since his appointment. He now turned to the case of Baron Lefroy. He had heard that high judicial offices had been offered to gentlemen who had been denounced in speeches from the Throne. He wished to know whether it were just to rake up all the speeches made by those selected to fill offices, whether they were uttered in London or in Dublin, in Kent or in Tipperary? In his judgment they ought to proceed on higher grounds. He was prepared to defend this appointment on its own grounds, and he would venture to say, that so far from the Government not being justified in appointing Baron Lefroy, their conduct would have been wholly unjustifiable had they passed over a man of such distinguished merit; and the right hon. Gentleman had been unable to bring forward any charge against his conduct. [Mr. *Sheil* said, that he had not made any reference to the conduct of the learned judge.] He could not see, then, on what grounds the objections of the right hon. Gentleman rested. He had certainly understood the objections of the right hon. Gentleman to relate to some transactions which had occurred long ago. He would admit, that there were some opinions entertained by that learned judge in which he could not concur; but he had been appointed solely in consequence of those acknowledged abilities which so eminently fitted him for his high judicial position, and which would cause him to be numbered among those who had graced the Irish bench. The right hon. Gentleman had also adverted to an appointment to which he felt some hesitation in alluding, for the hon. and learned Gentleman (Mr. Sergeant Jackson) was present, and he consequently felt himself precluded from dwelling on his public character or private worth; and he could assure the right hon. Gentleman, that although there might, perhaps, be some questions on which he might differ from that hon. and learned Gentleman, yet with respect to the general policy to be pursued towards Ireland a most perfect concord of sentiment existed between them; and he had no hesitation in saying, that he had derived the highest gratification from his official connection with that hon. and learned Gentleman. Another appointment animadverted upon by the right hon. Gentleman was that of Mr. Sergeant Warren. Now, if the Government had sought political influence in making the appointment they would, undoubtedly, have appointed Mr. West. The same would have been the result had they consulted their personal inclinations, because Mr. West was known to the Government, whilst Mr. Warren was a stranger. Professional merit was in this case, as in the former one, the governing principle. He held in his hand papers which would prove that political influence had had no share in these appointments. But he would refrain from troubling the House with unnecessary details. The present Bishop of Ossory, the first appointment made by the present Government, was selected solely from his pre-eminence above his fellows in knowledge and learning; and the appointment, he believed, had given the greatest satisfaction to the Irish Church. He was first appointed to the deanery of Cork, and on the death of the late Bishop of Ossory was removed to the bishopric, and was succeeded in the deanery of Cork by another eminent clergyman, altogether devoid of any political influence. This appointment also received the approbation of every member of the Irish Protestant Church. He had already spoken of the law appointments, and he was not aware that there were any others referred to by the right hon. Gentleman which had been made since the present Government had been in power. There had been a few situations filled up in the constabulary—about seven, he believed—which, without a single exception, had been bestowed either on men whose fathers had died in the constabulary service, or had been long employed in it, or men who had been promoted from inferior grades in that service, notwithstanding the pressure—he would not call it an unreasonable pressure—to which the Government had been subjected for the bestowal of its patronage on those recommended by its supporters. If the right hon. Gentleman was anxious to ascertain this fact, he could put into his hands documents which would prove it to his satisfaction. The right hon. Gentleman had treated with some degree of levity the appointments made by the Attorney-general with regard to the Crown prosecutions on circuit; but he would also find in those documents to which he had alluded, that in these appointments would be found men of all shades of political opinion. That right hon. Gentleman had proceeded to discuss the conduct of the Government during the Dublin election, and had commented on the conduct of a noble Lord (Lord Jocelyn), whom he would leave to vindicate himself; but he might be permitted to say, that that noble Lord, being himself an Irishman, from his distinguished character and popularity in that country, would have been fully justified in becoming a candidate for the representation of Dublin. The noble Lord, who held a nominal office in the Lord-lieutenant's household, certainly did canvass the electors, but he defied the right hon. Gentleman to prove that he had in any case used the name of the Lord-lieutenant. The Gentleman who was accustomed to make known the wishes of the Castle did not canvass at all on this occasion. With regard to the interest taken by the Government in the Dublin election, he must say, that although the Government regretted the language used by Mr. Gregory with respect to national education, still there were more points of concurrence between that Gentleman and the Government than between the Government and Lord Morpeth; and it must be evident, that had the Government, under these circumstances, not taken some interest in the election, they would have been wanting in their duty to their numerous supporters. The right hon. Gentleman then proceeded to advert to the refusal of the Government to remove the sheriffs. A more monstrous proposition it had never been his lot to hear made to any Government. Could there be a more gross instance of interference with the right of election? What would have been the outcry had the rule been acted on with regard to Whig officials, if previous to an election Whig sheriffs had been displaced to make room for Conservative successors? The right hon. Gentleman had also animadverted on the character and conduct of the sheriffs; but he begged leave to tell the right hon. Gentleman, that a more respectable man did not exist than Mr. Parker. The right hon. Gentleman had laid some stress on the offer made by Mr. Sheriff Brown to the late Government; but under what circumstances was that offer made? In March, 1841, three or four months before the general election was even in contemplation, and therefore of course without any reference to it, he wrote a letter to the Government, in which he said that he had influence which, if they would make him a knight, he would use in their behalf. Was any invective against the Whig Government the consequence? Did the Whig Government throw back the offer, and stigmatise him who had made it as a corrupt sheriff? He had begun his speech by saying that the Government had adhered to the pledges given on entering office, and he referred to the measures introduced by that Government in justification. He called on the House to say whether they were party measures. Those measures had been introduced with a view to benefit the whole community. Many of them, he confessed, had been adopted from their predecessors, who had not succeeded in carrying them out; now, however, he hoped to see them shortly become the law of the land. There was the Drainage Bill, which would not only tend to render that productive which had, hitherto, yielded nothing, but would also give employment to the laborious and impoverished population. Another was a measure to consolidate the ancient statutes. There was also a measure which they had thought it their duty to introduce and pass through Parliament with the least possible delay—he alluded to the act which was intended to give effect to the intentions of those who framed the Municipal Corporations Act, whose intentions had been defeated by some technical errors. When he could show that the executive branch of the administration had not stooped to serve party purposes, but had steadily kept in view what they believed to be the general interests of the community, he thought it would be seen that the taunts of the right hon. Gentleman were utterly uncalled for. There was another charge of still greater importance; he alluded to that relating to the trial of the murderers of M'Ardle. The right hon. Gentleman had certainly not accused him of having made an unfounded and inaccurate statement, but the right hon. Gentleman had certainly charged him with giving to the House and the public an inaccurate statement of the facts connected with that trial. He begged distinctly to be understood as not retracting the opinion which he had expressed with respect to the verdict of the jury on that trial. It was not without good authority that he had come to that opinion. His authority was that of the Attorney-general, and, with the permission of the House, he would beg leave to read an extract from the letter which he had received from that Gentleman:—The Attorney-general's expressions were—

"I agree with Sir Thomas Staples that the verdict was not warranted by law. If the evidence were believed, and I see no reason to doubt any part of it, three of the four should have been convicted of murder, for it was impossible (and so the judge directed the jury) that the crime could have been mitigated to manslaughter. I am satisfied that, though the verdict has not been what it ought, beneficial effects will arise from the determination evinced by the Government to put down party disturbances and crime; and, as to the conduct of the trial, I would observe, that the friends of the deceased had counsel of eminence employed, with whom I consulted, and between whom and me there was the most entire concurrence of opinion. The jury that tried the case was one that had been previously empanelled for the trial of other persons, and to whom no objection was stated on either side—in fact, they were agreed on both sides."

He had received another letter from the Attorney-general, which he would also beg leave to read to the House:—In this letter, the Attorney-general proceeded to say—

"With respect to the Downpatrick trial, I cannot see why, if the verdict of a jury be deemed wrong, there should be any reason for suppressing one's opinion of it. I, for my part, do not hesitate to say, that I thought that credible evidence established the guilt of two or three of the prisoners. It is true that that evidence which I believed, may not have been credited by the jury, or been sufficient to satisfy them, without any reasonable doubt, of the guilt of the prisoners, but, with the same means of judging that they possessed, I could not, and never can, concur in their conclusion; and I am impressed with the conviction that they were (whether conscientiously or not I cannot say) influenced by the knowledge that a verdict of guilty would involve the lives of the accused. I am not aware of the expression which, it appears, has given offence. I may not have seen any correct report of your Lordship's speech, but none that I saw conveyed any interpretation of a wilful or corrupt character on the motives of the jury. Having thus detailed my views of the case, I need not say that I have not the slightest objection to their being made public."

The objections were not made by the Attorney-general. The only representation which was made, was made by the counsel, or the solicitor, or the next of kin, to the Crown solicitor. He refused to accede to the request, on the ground that he could not do so without violating the instructions on which he was bound to act. As he had already said, the Attorney-general and the counsel employed did not think the verdict warranted by law, but they, at the same time, expressed their confident belief that the jury in question were not influenced by any corrupt motive, but solely by a feeling of reluctance to convict the man of murder. If a verdict of manslaughter could have been permitted, they would have given it. So much, therefore, for the case of M'Ardle. The next case to which the right hon. Gentleman referred was one which he wished to put in strong contrast with that of M'Ardle; for whereas, in his case, a Protestant was acquitted by a Protestant jury, in the case to which he was about to allude, a Catholic had been convicted by a Protestant jury. The right hon. Gentleman had stated, with perfect truth, that Hughes, who was tried for the murder of Mr. Powell, had been twice before tried for the same crime. That was a proof that the officers of the Crown, under the late Government, entertained at least a doubt as to his case, or they would never have put him three times on his trial. It was a remarkable circumstance, that Patrick Wood was convicted, on almost the same evidence, of the same crime, and executed, the jury, on that occasion, being exclusively Protestant. Now he would venture to assert that the right hon. Gentleman, if he would take the trouble to refer to the papers of that day, would not find the same clamour raised against the law officers of the Crown as had been the case in the present instance. In the case to which he was now referring the list of petty jurors had been so largely drawn upon in the previous trials, that it was a matter of extreme difficulty to obtain an impartial jury. Hughes challenged twenty, and the Crown set aside twenty-four. Nine of those set aside by the Crown had tried the case before—at least such was his impression, and he had received the information from authority which he could not doubt, that of the Crown solicitor and the Attorney-general — [Mr. *Sheil:* they had tried Wood's case, but not Hughes's.]—Reasons were assigned by the counsel for the prosecution respecting the names which they caused to be set aside, and Mr. Pigot admitted that those reasons were satisfactory. Now, Mr. Macdonnell was a person whose name he should have passed without mention, had it not been for the glowing eulogium pronounced on him by the right hon. and learned Gentleman who had brought forward the present motion. It was with reluctance he referred to the subject, but he was bound to state that the impression on the minds of the Crown solicitors respecting Mr. Macdonnell's character was such that they did not consider him a person to be believed on his oath. He had been employed by a political party as a valuator, and it was believed that his valuations were in many important cases grossly defective. As a proof of the good grounds upon which the parties objected to by the Crown were set aside he should mention this fact, that on the following day two of the number were impannelled with others to try a charge for misdemeanour. The indictment was one for Ribandism; it was a clear case for a conviction; and it was one, too, in which the traverser did not offer any evidence for the defence; notwithstanding those circumstances the individual jurors to whom he referred refused to concur in a verdict of guilty. Could any more complete justification than this fact afforded be produced of the unfitness of such men to sit as jurors on the trial of men charged with political offences? The right hon. and learned Gentleman spoke of Hughes as if he was an innocent man. Now, he begged for a few minutes to call the attention of the House to the circumstances of the case. Immediately after the trial of Hughes, and before his execution, the Lord-lieutenant of Ireland came over to this country, and left the government of Ireland in charge of the Lords Justices, of whom his right hon. Friend the Lord Chancellor of Ireland was one. It was unnecessary for any one to remind the House of the peculiar fitness of that learned and eminent person to form a judgment of the merits of any case which might be submitted for his decision. With that case his right hon. and learned Friend took every possible pains; no one could be better qualified than he was to discharge the duty which devolved upon him, and no one could institute a more rigid and searching inquiry than had been set on foot by the Lord Chancellor of Ireland. He had a personal interview with the Crown-solicitor—he had a personal interview with the counsel employed for the prosecution—he had the judge's notes; and, having the fullest information, bestowing upon the case the most deliberate consideration, and being in the highest degree qualified for the task of forming a judgment, he came to the conclusion that there could be no doubt respecting the guilt of Hughes. He held in his hand a letter from the Lord Chancellor of Ireland detailing the whole circumstances of the case; and, looking at those circumstances, he thought himself fully warranted in saying that there could not be a more unfounded accusation brought against any Government than that which had now been preferred against the Irish Government with respect to the case of Hughes. The following were the terms in which the Lord Chancellor of Ireland wrote upon this subject:—

> "Before I decided I had interviews with the Attorney-General, the counsel (Sir Thomas Staples) who prosecuted for the Crown, and the Crown solicitor, and required reports in writing upon the difficulties which pressed upon me. No case ever received a more attentive consideration. As to the guilt of the prisoner, Miss Powell, one of Powell's daughters, who behaved with an affection and courage which it is impossible not to admire, knew Hughes well. Powell was, in the first instance, called out of his parlour to speak to a man in his hall, and when one of his daughters warned him that he had a gun, he retreated back to his parlour, and there struggled with the man, and then the man being overmatched, called out to his party to break open the door, which they did, and one of the party presented a pistol at Powell, which Miss Powell put aside, and she swore distinctly that the man who presented the pistol was Hughes.

In defending her father she was wounded in the forehead, and the wound bled a great deal. The men dragged her father out of the house, one of them stabbing him, when the leader asked whether they could not shoot him. A shot followed, and Powell was killed in front of his parlour window. The daughter had in vain tried to get out of the house, as they held the door fast on the outside until Powell was killed. She then got out, and observed the party moving off; but one man kicking the body she pushed him away, and, with the aid of her sister, carried the dead body into the house. This is the direct testimony, to which no objection can be raised, unless it be said that Miss Powell mistook the man. The jury thought there was no mistake, and in that view I concurred. Besides this, there was the testimony of an accomplice, who showed no horror at the crime nor any desire to screen himself. He swore positively to Hughes being there all the time, and accounted for the pistol, &c., and swore that just before the shot was fired Hughes said, 'I will put you upon planting Tullyard,' which was the cause of the murder; and, after the murder, said to the witness, 'I am the boy that had courage to do it.' If this man was to be believed, being corroborated, no doubt could remain. His testimony was clearly corroborated, so as to show that he was on the spot; for he swore that the party remained in a hollow until the police went by, and that he heard them as they passed, and that a horse passed at a sharp pace, and was checked; and a farmer proved that he did pass on horseback quickly at the time, and checked his horse. This, however, does not prove that Hughes was there. A great coat is of some consequence in this case. Miss Powell swore that Hughes had on such a coat as the one in question. When the police at a subsequent period were pursuing Hughes, he had on a great coat, and having lost sight of him for a short time by some obstruction, they saw him running without his great coat. He denied that he had one. They searched a house which he had passed, and there found the great coat which he had worn, and upon which there were marks of blood. Now, this led to a remarkable circumstance. Hughes's wife, shortly before his execution, presented a memorial for mercy, in which she stated that the great coat was her husband's, and that the blood stain upon it was Miss Powell's blood, for that she had lent the coat to a man without her husband's knowledge, who was present at the murder."

Many hon. Members who heard him were aware that Armagh was a Protestant county; they were also probably aware that with the formation of the panels the Government had nothing to do; that in the month of October in every year a book was made up, containing the names of persons qualified to serve on juries; but it was the prerogative of the sheriff to make out the panel, and that was a matter, as he had already observed, with which the Government had nothing to do: the composition of the panel rested exclusively with the sheriff; and let it be recollected, that in all cases the Crown solicitors followed the instructions given by Chief Baron Brady respecting the setting aside of jurors. He would read to the House an extract of a letter from Mr. Brewster on this subject:—

"The state of the law is this,—A book; called the *Jurors' Book*, is made out in the month of October in each year. This contains, or ought to contain, the names of all qualified persons. If any be omitted, means are provided to remedy the omission. From this book the sheriff must take his panel; but he may, and it is on all hands admitted he ought, to select a sufficient number of those best qualified to discharge the duty. It is his exclusive prerogative, and it would be in the highest degree unconstitutional to interfere with him; indeed, if the Executive ventured to do so, an outcry, and a well-founded one, would be made. It would therefore appear to me, that it is no part of our business to discuss the constitution of the panel; we must take it for better or worse, as we get it. Religion ought never to enter into the consideration of the officer, whose duty it is to see that none but men against whom no just grounds of objection exist shall compose a jury."

He now came to the next topic referred to by the right hon. and learned Gentleman, namely, the prosecution of newspapers for the publication of libels. In the case of the *Newry Examiner* there had been no trial; but now he wished to say a word or two with respect to those prosecutions. The libels to which reference had been made, not only charged the Government with acting upon party principles, not only impugned their motives and questioned their impartiality, but actually contained direct allegations that justice was tampered with, the effect of which must necessarily be to produce a want of confidence in the Government. The libel stated that Hughes did not receive a fair or impartial trial, such as it was intended by the law of England every man should receive. He was tried not as a British subject should be tried; he was tried as an Irish Catholic; he was tried (the writer said) as if his guilt were assumed, and his conviction desired. It was said that if they did not thus speak out the Catholics would not be safe. He need scarcely observe, that such a publication as that was in the highest degree calculated to excite and to inflame the minds of the people, and it was not surprising that the jury should have pronounced it a malicious libel. It was a special jury, and balloted for in the usual way; and any one who knew Dublin, must be ready to admit the respectability of that jury, and the fairness with which they were selected, — very nearly half, if not quite half, of that jury voted on what was called the Liberal side at the last election. On that jury there were eight Roman Catholics and four Protestants. He should, with the permission of the House, read Mr. Kemmis's statement on this point:—

> "The juries for the trials of the two northern papers—viz. the *Vindicator* and *Examiner*, were special juries, selected according to the Jury Act, by Ballot. The sheriff returns the names of the jury, containing about 400. Those names are put into a box, and the officer of the court draws out forty-eight names; each party then strike off twelve names, and the remaining twenty-four compose the jury. This is the way special juries are struck, whether the Crown or an individual is concerned. I attended striking both juries, and I left on those the most-respectable in wealth and station, without reference to creed, as I considered, to try the cases. The attorneys for each newspaper attended, and struck off twelve in each case."

He should now come to the case of Mr. Biddulph, and with reference to that he thought himself entitled to say, that it formed no part of the duty of the law officers of the Crown to inquire into and report on the conduct of magistrates. It was believed that the motive which influenced Mr. Biddulph was a wish to save his sister the pain of appearing a third time as a witness, exposed to all the annoyances of cross-examination, naturally so distressing to a woman. But he did not say this in justification of Mr. Biddulph. His noble Friend, the Lord-lieutenant, being in London at the time, did not see the paragraphs which appeared in the newspapers, and as no notice was taken of the subject by the law officers of the Crown in Ireland, the first intimation that either he (Lord Eliot) or the Lord-lieutenant received of it was when it was mentioned by the Marques of Normanby in the other House of Parliament. Immediately after the statement of that noble Lord had been made, the case was referred to the Lord Chancellor of Ireland, who called upon Mr. Biddulph to explain. Mr. Biddulph did so, but the explanation not being satisfactory, the Lord Chancellor removed his name from the commission of the peace. Mr. Biddulph was not a supporter of the present Government, but a Whig, and he ventured to say, that had the Lord-lieutenant removed Mr. Biddulph, they would have had his case brought forward as one of gross tyranny. So much for the case of Mr. Biddulph. With regard to the case of Mr. St. George, he believed it was admitted by all that he was a gentleman of the highest character, but unfortunately, in a moment of excitement, he had addressed a letter to the Lord-lieutenant of the day, which appeared in the public prints, and he was dismissed from the magistracy. During five years no application was made to Government to restore him, but on the accession of the present Government application was made to the Lord-lieutenant to this effect. The Lord Chancellor, jealous of the honour and dignity of the head of the preceding Government, thought that some reparation ought to be made by Mr. St. George for the offence which he had committed, and felt reluctant to restore Mr. St. George until that reparation was made. Subsequently, however, he received a communication from the Lord-lieutenant and magistrates of the county, praying for the restoration of Mr. St. George, and this had some influence with the Lord Chancellor. In the first instance, however, he declined acceding to the request; but, finding from all quarters, from newspapers of all colours and parties, that there was a strong feeling in favour of Mr. St. George, and that Mr. St. George himself felt the matter so strongly that he had expressed his intention of leaving the country;—finding this to be the case, and feeling that Mr. St. George had expiated his offence, by being suspended from his duties as a magistrate for five years, the Lord Chancellor did certainly at last consent to his being restored. He (Lord Eliot) had to state, that Mr. St. George had denied, in the most decided manner, that he had ever intended any disrespect to the Sovereign, and that having considered the Lord-lieutenant merely as a Minister of the Crown, he did not think himself precluded from expressing an opinion unfavourable to his policy. The right hon. Gentleman said, that Mr. St. George's letter to the Lord-lieutenant was not only disrespectful to his Lordship, but that it was also disrespectful to the Sovereign. This, in his (Lord Eliot's) opinion, was placing the pretensions of the Lord-lieutenant too high. The Lord-lieutenant did not stand in the place of the Sovereign; and it was not a maxim, that the representative of the Sovereign could do no wrong. He thought therefore, that the Lord Chancellor would have been guilty of great pertinacity if he had insisted on a retractation, which Mr. St. George had declared he could not, as a man of honour, give. He had already stated, that he did not think it expedient to lay the papers on the Table of the House, and he could not, therefore, assent to the motion. In conclusion, he begged to deny, that any clandestine communications had altered the opinion of the Lord Chancellor, or had any effect on his mind. He believed, that his Lordship had acted on his own judgment of what was right; he had resisted the application for a time, but on afterwards taking all the circumstances into consideration, he had come to the conclusion that he was justified in acceding to it. His Lordship did not take this step, however, without consulting the Lord-lieutenant, who, on being consulted, at once declared, that he was satisfied, and with that assurance, the Lord Chancellor restored Mr. St. George.

Sir *W. Somerville* thought, that an earlier period of the Session ought to have been taken for the discussion of a matter of so much importance as the present question; but when he considered, that the whole Session had been occupied in the discussion of measures of the greatest importance to the country, he thought his hon. and learned Friend, if he had brought forward his motion, would have run little chance of gaining a hearing. He was anxious not to let the present opportunity pass without addressing a few remarks on the charges brought against Government—charges too important not to justify every friend to the due administration of justice in Ireland—stating his opinions, and stating frankly and distinctly what were his views on the subject. He was of opinion that, during the last ten years, more progress had been made in reconciling the people of Ireland to the administration of justice in that country, and in eradicating their—he would not say former prejudices, but their former opinions on this subject—than had been made for almost centuries; but he had no hesitation in saying, on the authority of communications which he had received, that since the present Government came into power, the opinion of the people of Ireland had changed, and that they now believed, that the administration of justice did not stand, at the present moment, on the same footing, as it did under the late Government. Among the various circumstances which had shaken their confidence in this respect, was the notorious fact that two of the judges of the land had, with political views and political objects, and in spite of ill health, overheld their seats on the bench, in order that two gentlemen agreeing in political opinions with them, should be nominated. He intended during the last Session, to bring this matter before the House, but he had refrained from doing so, lest it should be suspected that he was actuated by political motives. But they all knew, that what he complained of had occurred. The fact was notorious; it had lowered the high opinion which the people had of the fair administration of justice, and it was calculated to degrade the dignity of the bench. He did not say that the present Government were to blame for the conduct of these judges; it was beyond their control, but it was their duty to fill up the vacancies in an impartial manner. He had the highest respect for the characters of the judges on the bench; but he must say, that the appointments made, did astonish him. The noble Lord opposite asked if it could be expected that Government should appoint their enemies. Certainly not. He did not expect they would do so; but what, he would ask, became of the assurance given by the right hon. Baronet at the head of the Government, that in his Irish appointments he should not be guided by Parliamentary influence? He certainly did expect to see some deviation from the course pursued by former Conservative Governments in this respect. He came now to a point of much greater importance—to what was really the gravamen of the charge—namely, that there had been a partial exercise of the right of challenging juries. The noble Lord alluded to the verdicts that had taken place in Tipperary, and he (Sir W. Somerville) would ask, why should not the same course be followed in other instances? The noble Lord omitted to state, that in the trial referred to by his hon. and learned Friend there was only one Roman Catholic on the jury; and the noble Lord had also omitted any mention of the judge's charge on that occasion. It was monstrous to think that the law should be so different in the two countries, and that the articles which appeared in the *Morning Chronicle* could not be copied by the Dublin newspapers lest the Attorney-general should institute a prosecution against them. When the law officers acted so differently from the law officers of England, when they considered the liberty which the press enjoyed in this country, and the restrictions placed upon the press of Ireland, could they imagine that the confidence of the Irish people would be conciliated by such a state of things? When the noble Lord said that the juries had acted right in the cases referred to, did he think that the public would be of the same opinion when they saw that in one of those cases they were not allowed to go into the truth of the case? A charge was made that individuals were struck off the jury because they were Roman Catholics, and the Chief Justice denominated this charge as a most abominable reflection, and added, that it was diabolical to make such a charge against the Government officers. But if they looked to the evidence which had been taken on this point, they would find that this was no new charge, and that the practice of challenging juries had existed for centuries. He was glad, however, to hear the noble Lord disclaim proceedings of this nature; and he hoped that in future the noble Lord would give no cause for such charges being brought against him. Now, with regard to the way in which offices had been filled, he begged to remind the House that there were 7,000,000 Catholics in Ireland, and that there was scarcely a situation of any importance but what was filled up from the minority. Such a state of things ought not to exist. All he asked of the noble Lord was, that he should not appoint those persons to situations of trust and power, whose only recommendation was their constant hostility to every measure introduced into that House for the benefit of the Irish people. If the noble Lord did not do this, his Government would not differ from the Tory Governments that had preceded him, and he would fail in not having acted up to the professions which he had made in that House. The noble Lord had shown himself anxious to ameliorate the condition of Ireland, and he would be sorry if the noble Lord should do anything to sully his fame, either by consenting to the system of packing juries or by violent partisanship. If the noble Lord would proceed in a fair and liberal course, he might rely on the support of the people of Ireland.

Mr. *Sergeant Jackson* said, that the noble Lord who had preceded him in the debate having gone over minutely all the points brought forward by the right hon. and learned Gentleman, the Member for Dungarvon, he would apply himself to the more prominent topics adverted to by the hon. Member who spoke last; observing, however, in the first place, that he was greatly indebted to the hon. and learned Member for Dungarvon, not only for the tone and manner in which he had brought forward the question, but also for his having undertaken to bring it on even at this late period of the Session. He believed that the right hon. and learned Gentleman was too honourable to throw out charges against the Government of the country—to give notice again and again that he would call the attention of the Government to those charges, and then to let it drop—then to renew it—then to let it drop; and when the subject was about to be brought under consideration, to disappear altogether from the discussion. That is a course which he did not think the hon. and learned Gentleman would take; but not long ago a petition was read to the House, containing grave imputations against the Government for packing juries in Ireland, for the purpose of bringing about a conviction for murder. Now he said that any Government which could be guilty of such conduct would almost be guilty of murder. The petition contained grave charges, which, contrary to his remonstrance, was read to the House, and the name of a Roman Catholic prelate was also read as the first name to the petition, in order to give it some weight with the House. Was that fair dealing with the law officers of the Crown? The hon. and learned Member for the county of Cork was the Member who had given notice that he intended to call the attention of the House to that petition. The hon. and learned Gentleman was not in the House. He would tell the House why;—because, if he was not mistaken, the hon. and learned Gentleman knew that he should fail in substantiating one of his charges, and because the hon. and learned Gentleman had done those things which he charged the law officers of Ireland with having done. Now, with regard to what had been said as to the challenging of jurors, he begged to state that, during twenty years which he went the Munster circuit, he never knew any attempt made to challenge peremptorily, or to put by, as it was called, any person on account of his political or religious opinions. To this, however, he must make one exception. At the trial of a general officer for endeavouring to do his duty in suppressing a riotous affair, a challenge of jurors did take place. The hon. and learned Member for the county of Cork was leading counsel on that occasion. He alluded to the trial of Sir George Bingham, who was indicted for a misdemeanour, and on that occasion the hon. and learned Member for the county of Cork, as leading counsel, put by no less than sixty men. Every man who came to the book, and who was a Protestant, was challenged peremptorily by the hon. and learned Gentleman, and yet he now hesitated not to charge the Government with packing juries for the purpose of bringing about a conviction. This was so gross an occurrence, that Justice Moore, who was a Whig, declared that he had never seen such a thing done before; and Mr. Bennett, the leading counsel on the other side, stated that he had never put by a man for his political or religious opinions. What was the result of this jury being packed? The gallant officer was convicted. He spoke from a recollection of what took place. The judge on that occasion exclaimed that the age of chivalry was gone, and that a highly honourable man had been made a victim, merely because he had endeavoured to preserve the peace of the country. Even the right hon. and learned Gentleman the Member for Dungarvon ought to be a little tender when he talks about packing juries. Let him recollect himself. He had before him a report of a case in which the right hon. Gentleman was leading counsel [Mr. *Sheil*: "You mean Pearce's case"] in which he, the right hon. Gentleman, made twenty-nine peremptory challenges. [Mr. *Sheil*: "Were there not six to six?"] There were seven Roman Catholics and five Protestants; but there were twenty-nine peremptory challenges made on that occasion. The hon. Baronet who had just resumed his seat (Sir W. Somerville), who was remarkable for the propriety of his address to the House, and for the good feeling which almost always actuated him, had, he grieved to say, made some observations of a character calculated to wound the feelings of a high-minded gentleman, and cast a censure and rather a blot upon a highly distinguished and venerable judge of the land, the late Lord Chief Justice of Ireland. He knew not how the hon. Baronet had been able to dive into the breast and ascertain the motives of that honourable judge for remaining on the bench, or for leaving it. It was rather too much to cast upon that venerable man, in the evening of his days, a slur that could not in justice attach to his name. That eminent person was the leader, and a distinguished one, of what was called in his time, the liberal party in Ireland, and no man ever occupied a higher position than he did. Then with regard to Judge Johnson, another venerable man, a similar accusation had been made against him; but upon what grounds, he was equally at a loss to know. During the twenty-two or twenty-four years that Judge Johnson was on the bench, he never absented himself from the circuit more than four times. Was that a ground on which to found a charge against a venerable judge, against whose character he had never before heard one imputation cast. With respect to the question more immediately before the House (for the points he had hitherto touched upon, were merely collateral matters), he must say, that he had never known a weaker case brought before Parliament. As to the trumpery matter relating to the conduct of Mr. Sergeant Warren at the College election, he considered it to be a mere waste of time to advert to it. Was there any man who knew Ireland, that could name a person standing higher, either professionally, or in private, than Mr. Sergeant Warren? What was it that honourable individual did? He came forward and proposed as a candidate one of the oldest friends he had on earth. They were class fellows at college; they entered King's Inn together; they were called to the bar at the same time; and they went the same circuit. Under these circumstances, Mr. Sergeant Warren came down to the hustings and proposed his friend. Was that a charge to be made against an honourable man, or was it a ground for censuring the

Government for giving such a man an appointment? The right hon. Gentleman had next attacked the appointment of Mr. Baron Lefroy. No task was easier than the vindication of that appointment. Baron Lefroy had no superior at the Irish bar. There was not a man living who possessed so minute and accurate a knowledge of the principles and maxims of the Court of Equity, or of the practice and decisions of equitable law, as Mr. Baron Lefroy, nor was there a more competent, efficient, or useful judge on the Irish bench. He had been offered under successive Administrations promotions in three courts of justice, and he did not accept them. Why? Because he was assured by the Lord-lieutenant of the day that he had so high an opinion of him, that he would be glad to offer him the highest appointment that it was in his power to bestow. And yet this was the man to be branded as being utterly unfit and incompetent to occupy a seat on the bench. Then, with respect to the trial for libel, and as to the striking of the jury. It was well known, that the original list of jurors consisted of forty-eight names; these must be reduced to twenty-four. The agents of the parties struck them off alternately, and it did so happen, that when the jury was reduced, there remained only one Roman Catholic on the panel. The Crown solicitor affirmed, that he knew nothing of the politics of any of the jurors, and that he was actuated by no motive, but that of selecting those whom he thought best qualified by respectability and property to discharge the duty of jurors. The jury were unanimous, and returned their verdict in five minutes. But, then, it was alleged, that Chief Justice Pennefather would not allow the truth of the allegations of the libel to be proved. Was it ever heard of in the law of libel that, under a prosecution of that description, the truth of the charges was permitted to be proved? Where would such a trial end? No English lawyer would say that the jury could go into the inquiry as to the truth or falsehood of the charges. Still there was a proper place where that inquiry might be gone into. Why was it not followed up? It was next said that the chief justice had used improper language, and had declared that it was "a diabolical libel." Now, what was the libel? It was this:—

"You Roman Catholics of Ireland particularly take notice that there is no justice for you in this land;—take notice that there is one law for Protestants and another for Catholics in this country; and take notice, that the Crown officers pack the juries; that you will have no justice unless you make a stand and resist it now; if you do not, prepare yourselves for permanent degradation and slavery in this land."

Now, he would say, that such language was a "diabolical libel." If what it alleged were true, it would justify any resistance whatever to the state; and if it were not true, then nothing was more calculated to stir up the blood of the people and urge them on to insurrection. He would ask, then, was not the publication of such an article a diabolical act? The hon. Baronet had stated that the late Government had done wonders for Ireland, but the present Government had done nothing; and that public opinion was retrograding from it. If that was so, why was it? Because there were persons acting with the right hon. and learned Member for Cork, and going with him into King's County, instigating people to oppose their landlords, even to the committing of murder; it was because there were such writers as the editor of the *Vindicator*, who told the people that there was no justice for them, that there was one law for Protestants and another for Catholics. Hearing these things constantly reiterated, the people at length became persuaded that there must be some truth in them. But was there any foundation for these allegations? Not a particle. In truth, he never heard a weaker case attempted to be established before Parliament. Every allegation was unfounded from beginning to end. He would no longer trespass upon the attention of the House. He had purposely abstained from going fully into the whole question, and had confined himself to a few of the most prominent charges which had been made by the right hon. and learned Gentleman, and which he hoped he had shown to be utterly groundless.

Mr. *M. J. O'Connell* said, that in the few observations he had to offer he should confine himself to the immediate subject under discussion. He did not rise to defend or apologise for the conduct pursued by his hon. and learned Relative, against whom certain imputations had been cast. He rather doubted whether, if that hon. and learned Gentleman had been present, those imputations would have been made, but he protested against the case of Sir George Bingham being brought forward on this occasion, as it had no reference to the question before the House. The charges now made against the Government in Ireland were that it had interfered with the administration of justice in tampering with the appointment of juries, and had attacked the great palladium of British liberty in attempting to prevent free discussion through the medium of the press. The hon. and learned Solicitor-general for Ireland (Mr. Jackson) had given the House a history of Mr. Baron Lefroy down to the administration of the Marquess Wellesley; but in common fairness the hon. and learned Gentleman ought to have carried it on to the administration of the Duke of Northumberland. During that administration the Government refused to send him as a temporary judge on the circuit, which led to the resignation of his sergeantcy. The hon. and learned Gentleman had not adverted to this; and, therefore, he (Mr. M. J. O'Connell) would supply the omission. In 1839, on a debate upon what were called the outrages in Ireland—or the outrageous debate—a speech was made by Mr. Emerson Tennent, an ex-Reformer, upon the subject of jurors; and in that speech he quoted the words, as he himself described them to be—

> "Of an eminent Irish lawyer—'that human ingenuity could not conceive a more successful device for security and protection of an offender than trial by jury in the present disorganised state of society in Ireland;'—and that some eminent lawyer went on to complain of the Government for having given up the wholesome practice of the purification of juries."

This was said during the Attorney-generalship of Mr. Brady. The hon. Member concluded by saying that the editor of an Irish newspaper had been convicted of libel for saying that in Ireland there was one law for the rich and another for the poor. Now he (Mr. M. O'Connell) wished to know if Ireland was to be governed by a different law from that of England? He believed that if these matters were in the administrative department of the noble Lord opposite, seeing his anxiety to extend practical equality in legislative measures to the people of Ireland, that he should not have had to complain of the manner in which they were conducted. The noble Lord's liberality, however, had been neutralized on a former occasion by his Colleagues in office. And here, it might be asked, whether open questions were permitted in the present united Government? because there had been some appearance of an open question on the subject of education in Ireland. He (Mr. M. O'Connell) feared that the spirit that might be observed in that House was but the type of what the people of Ireland felt out of it. He trusted those Gentlemen who stood by the connection between England and Ireland would evince the sincerity of their determination by extending the same laws to both countries.

Viscount *Jocelyn* must acknowledge, that had he not confidence in the rectitude and justice which had distinguished the acts of the present Government towards Ireland ever since their accession to office, he should have felt some degree of fear at the motion of the hon. and learned Gentleman, believing that they must have fallen into some of the same, or errors of equal magnitude, which were so distinguishing a feature in the conduct and counsels of their predecessors unfortunately towards that country. He had listened with attention to the debate, and more particularly to the speech of the right hon. and learned Gentleman, and he acknowledged he should not have felt surprised if in the wide field which he had taken for the attack he might have discovered some fault or some error which his brilliant imagination might have magnified into a crime; but when he found that the chief battery of his eloquence was turned against the Government upon such charges as for the dismissal from his appointment as stipendary magistrate of a man who had proved himself unqualified for the situation; when he found another of the grievances complained of was appointing men to office whose characters were as unimpeachable as their abilities were unquestionable; when he found at last the right hon. and learned Gentleman was driven for a point of attack to call in question what he was pleased to consider the improper interference of the Government at the late election of the city of Dublin, he acknowledged that he felt, as an humble supporter of the Government, grateful to the right hon. Gentleman, who in his opinion deserved the thanks of the Administration for bringing forward his motion, which was more likely to be of benefit to them than any act of their own, and proving to the country generally how groundless was the accusation, and how really fair and straightforward had been the course pursued by the noble Lord at the head of the Irish Government. He should not himself have intruded upon the House this evening had not the learned Gentleman more particularly alluded to the Dublin election, and what he was pleased to term the unjustifiable interference of the Government. As he believed he was generally supposed to be the chief criminal in that interference, he returned thanks to the learned Gentleman for giving him the opportunity of correcting the garbled statements which had gone forth upon the subject. Personally, he considered no defence necessary, but it was his wish to show that the noble Lord at the head of the administration of affairs in Ireland was no party to any interference whatsoever at that election. It had been stated by the learned Gentleman, that influence was made use of to obtain support for his hon. Friend the present member—such influence, he imagined, as the learned Gentleman supposed an officer of the Lord-lieutenant's household to possess; he could merely regret that it would become his duty to strip the statement of the right hon. Gentleman of its glowing colours, and clothe it in the more sober tint of truth and fact. As he stood at that election in rather a peculiar position, he trusted the House would bear with him for a few moments whilst he stated the case, and he was then ready to be judged by the opinion of the public. Previous to the nomination of the present Member, he had been privately solicited by many of the electors to come forward himself as a candidate for the representation of the city;—from private reasons, and likewise being engaged to that town which he had now the honour of representing, he was unable to take advantage of the proposal; but it was neither likely nor probable that the flattering testimony he had thus received of the confidence many seemed willing to rely in him lessened his anxiety for the success of a candidate whose political principles he believed most likely to be conducive to the prosperity of that important city,—and to meet the wishes of the majority of the electors, he did, he acknowledged, boldly make use of that confidence he felt many of the citizens of Dublin were prepared to rely in him, to forward what he believed to be the right cause—a confidence he was not vain enough to suppose was from any feeling towards himself, but from the high personal and political character of his nearest relation, which he felt proud to acknowledge had obtained for him the confidence and esteem of a large portion of the constituency of Dublin and of the people of Ireland, who had learned to look to him as a leader and a friend. Upon this ground alone the honour of such a proposal was made, and at all events this influence he had a right to make of use in support of that candidate of whose political principles he approved. He accompanied his Friend, the present Member, and solicited alike the support of those tradesmen who were appointed to the castle with others; he stated his personal wishes, with what he believed to be the desire of the Government, for the success of his hon. Friend, but he denied that either by words or act was a single vote influenced by threat of dismissal or promise of reward, and he must likewise add, that he was personally responsible for whatever blame might attach to the interference of the Government,—for he felt it his duty to proclaim publicly, that he acted without the direction, and as far as he knew against the wish, of the Lord-lieutenant of Ireland. But he must acknowledge his astonishment at this attack from the right hon. and learned Gentleman, when he recollected what his recorded opinion was in a majority of a House of Commons relative to the undue influence of a Government at an election. He did not wish to tax the memory of the right hon. Gentleman to any great length, but he could scarcely have forgotten the Dublin election of 1831, when a personal friend of his own and a political partisan stood a contest for that city; the opinions at that period held by the organs of the self-styled Liberals were very different in their character from that which the learned Gentleman had that evening brought forward. He should not trouble the House but with one of the many quotations he held in his hand. He would merely state that their substance consisted in calling upon the Government to force those who held any office, either to vote for the friends of the hon. and learned Gentleman, or to give them a dismissal. He found the following paragraph in the *Morning Register*, May 3, 1831:—

"All the stipendiary magistrates have got formal notice, that they hold their offices on the condition of giving their votes and interest zealously and effectually to the candidates who are pledged to the cause of the King, people, and country; and this was not merely the fabrication of a newspaper, for the stipendiary magistrates were actually sent for by the private Secretary of the Lord-lieutenant to the castle, and there informed that they would be expected to vote contrary to their private opinions, and against their personal friends."

This statement did not rest merely upon rumour, it was sworn upon evidence before a select committee of the House of Commons, and the names of the magistrates compelled to vote were Messrs. Tuddart and Tyndall. He would read to the House a line from each of the sworn statements of these gentlemen. The former having been desired to wait upon Baron Tuyll, the private Secretary, informed the committee as follows:—

"That he stated to the private Secretary that his intention was to have remained neuter on this election, not to have voted at all, and that he respectfully requested him to lay a statement of his case before the Lord-lieutenant, and he hoped he would be permitted to remain neuter, and not vote at all on the election. He stated that he had been a friend of the Recorder's in other elections; that he was one of his committee; that he took an active part; that at present he did not intend to do so; and that, if permitted, he would remain neuter. Baron Tuyll said he could not make that application, for that if his request were acceded to, gentlemen similarly circumstanced, might expect the same indulgence to be afforded to them."

This was the evidence of the former: he would now read what said the latter—viz.,

"That it was his intention to support the Tory candidates, who were personal friends of his, and that he had done so at the former election; he also said, that he had been elected to the situation he held by the Corporation, and that it would be voting against their interest to support the Reform candidates."

Baron Tuyll said—

"I am aware you are elected by the Corporation, but you should recollect you are paid by the Government."

After this the gentlemen went up and voted as they had been directed. A few days previous to the election the papers called for the dismissal of two persons, Mr. Bassaggio and another, holding small appointments under the Government, but who had been guilty of attending a meeting of the friends of the Conservative candidates; they both received their dismissal accordingly, and Mr. Long, a coachmaker, holding an appointment to the Lord-lieutenant, was likewise dismissed for voting against Government candidates. He did not wish to weary the House with extracts from the Report, but hon. Gentlemen would find what he stated to be the sworn evidence of the persons themselves in this Report; and, upon the evidence that then came out, the chairman of that committee thought it his duty to bring the subject before the House, and made the following motion, which was met with a direct negative by the Government.

August 23, 1831.

"That certain individuals holding official situations in Ireland did at the last election for the city of Dublin, in contravention of the resolution of the House of Commons, use undue influence in favour of and with a view to aid and assist in the election of the sitting Member for the city of Dublin."

The Government of that day boldy met the proposition by a decided negative, and on a division the numbers were—Ayes 66; Noes 207. And in that majority, which voted that threatening to dismiss stipendiary magistrates, and dismissing tradesmen, was not improper interference, h found the name of the right hon. and learned Gentleman the Member for Dungarvon. Strengthened by this opinion expressed by the majority of the House of Commons, and the vote of the right hon. and learned Gentleman, the same system was notoriously pursued at the next election, and the organs of the friends of the right hon. and learned Gentleman expressed their astonishment in these words:

"Previous to this time it was never pretended that it is not the imperative duty of a servant of the Government to act with his employers."

And such, indeed, appeared to have been the opinion of the friends of the learned Gentlemen until now, for he found at the election in July, 1841, the following note in the assessor's book, dated July 9, 1841:—

"Robert Jernan, policeman, examined.—Was opposite to booth letter M yesterday doing duty. A gentleman said to him—'Go, clear that booth.' He replied, he acted only under the orders of the sheriff or assessor. The gentleman then demanded the policeman's name, and gave his own name as Norman Macdonald, under-Secretary."

He had not brought forward these statements from any wish to throw blame upon the acts of the late Government, but from an anxiety that the public should judge between the course pursued by the servants of one Government, which received the recorded approval and sanction of the learned Gentleman, and that line which he thought it his duty to take as one who had been solicted to stand, and who, as a countryman of the learned Gentleman, could not fail to take a deep interest in the fate of that election; and he had no hesitation in saying that should the right hon. Gentleman press this motion to a division, he would give them that support, for the sake of consistency, which he gave upon a motion to the same effect in the year 1831.

Mr. *C. Buller* observed, that the noble Lord had acknowledged canvassing the city of Dublin, but had said he did so in his private capacity, and with no intention of bringing the influence of Government to bear. But the influence of the late grand master of the Orange-lodges in Ireland had been brought to bear, and he had a right to say so when the agents of the present united Government went forth to canvass without the consent of their superiors. It was strange that when the noble Lord who had just spoken had accused his (Mr. C. Buller's) hon. and learned Friend of sanctioning this intimidation, he could not go a little further, and remember that such was the work of the noble Lord opposite. He would leave the two noble Lords to settle that point between them. It, however, really would be as well if noble Lords and right hon. Gentlemen opposite would settle amongst themselves what ought to be the policy of the Government upon Irish questions, instead of presenting the unseemly spectacle of a learned Solicitor-general attacking the Irish Secretary, and now the noble Lord opposite condemning, by implication, the conduct of the noble Lord the Member for North Lancashire. The important part of the subject which had been brought under the consideration of the House was that which related to the administration of justice in Ireland. He regretted, for the sake of the noble Lord opposite, for whom he had a sincere respect, that, under his Government, there had taken place what, without wishing to exaggerate, he must call a perversion of the forms and substance of justice, such as ought to inspire every man in Ireland and this country with the deepest alarm. He did not blame the noble Lord; he believed that he, like other leaders of Government, was actuated by good intentions, but their good intentions and wise policy were frustrated by the odious instruments which a Tory Government must use in Ireland. He had hoped that the noble Lord would not have been forced to tamper with the constitution of juries, in a way unknown to the law and practice in England. It could not have been expected that the Irish Government would have entered upon a crusade against the press. It might have been expected from the experience of what took place under the last Government that the most abusive libels would have been allowed to be published with impunity. What a contrast was presented by the two trials which had been referred to! In one case four Orangemen were accused of the murder of a Catholic, and upon that jury there were eleven Protestants to one Catholic. The prisoners' counsel objected to the jury, but the Crown prosecutor insisted upon retaining every one of them. In the other case, a Catholic, accused of murder, was brought to trial a third time, and in that case the Crown departed from the usual rule, and in order to secure a conviction, excluded from the jury all Catholics but one, so that it might be said that the prisoner was tried by a jury of Protestants. The Solicitor-general for Ireland said, that the Catholics were excluded on personal grounds; but it was absurd to put forward such an excuse. This was a most important question, and, singular enough, it had again been raised in the case of the man who had ventured to denounce the unjust practice. In looking at the alleged libel there certainly appeared two or three rash sentences, which no admirer of an accurate style, and of a calm statement of facts, could possibly defend; but contrasted with the comments which one was accustomed to read in English newspapers on the conduct of Government and the administration of justice, the article appeared to be one of comparative temperance and fairness. The sting of the article was not so much in its expressions as in the general fairness of its statements and the overwhelming force of its facts. When the prosecution was determined upon, it might have been supposed that the Irish Government wished for an investigation into the truth of the facts alleged by the newspaper—that they were anxious to prove that its statements were mere unfounded calumnies. With such object, a prosecution of the press would have been fair and justifiable. But what was the course pursued upon the trial? The question at issue being the packing of juries by the exclusion of Catholics, the Crown commenced by packing the jury in precisely the same way. The Solicitor-general for Ireland had stated, upon the authority of the Crown-solicitor, that the exclusion of the Catholics was the result of pure chance. If the Crown-solicitor would seek an interview with M. Laplace, and endeavour to persuade that learned mathematician—[Sir *J. Graham:* He is dead.] He had forgotten that. But though the man was dead, his doctrine lived; the doctrine of chances was not extinct, and it would require more than the declaration of the Crown-solicitor to satisfy any reasonable man that eight out of nine Catholics were excluded by mere chance. The occasion was one upon which the Irish Government ought to have exercised particular caution. They had disclaimed the intention of governing Ireland with reference to party or sectarian feelings. They should have taken care that nothing should have been left to chance, and whatever the proportion of Catholics to Protestants might have been upon the whole panel, they should have determined that upon the jury at least the proportion should have been a fair one. What was the second step in the progress of the cause? Did the Government instruct their counsel to say, that the statements contained in the newspapers were false? Nothing of the kind. The truth or falsehood of the article was a point carefully excluded from the consideration of the jury. The Crown proved that the newspaper was published in Dublin; and upon that fact, the jury was called upon to convict the defendant. The Chief Justice followed up these extraordinary proceedings by a charge quite as extraordinary. It was not usual for judges in England to make use of such language as a "diabolical" and "infamous" libel. Such language did not sound properly when it proceeded from the mouth of a judge. By the aid of a judge's charge, the Government obtained a conviction. This was the conduct of the Government which professed moderation and a desire not to give a triumph to any party. Could the Government suppose that the effect of the trial would be increased confidence in the administration of justice, on the part of the people of Ireland? They had given the people of that country the most convincing proof that if a man ventured to state facts which were damning to the character of the Government, they would not attempt to dispute the truth of the statement, but would rely upon those atrocious libel laws which had not been called into activity by any Government since the administration of the Duke of Wellington. He must, however, do the Duke of Wellington's Government the justice to say, that unwise and impolitic as state prosecutions of the press were, on general principles, the individuals selected for prosecution were deserving of no sympathy, because they availed themselves of the most odious prejudices to justify their personal attacks upon particular Members of the Administration. Widely different was the case of Mr. Duffey. Though called a libeller, he had done public service. No greater service could be rendered than by a man who fearlessly came forward and disclosed the facts which he had laid before the public. Was it to be endured that even on a trial for murder—in a case of life and death, juries should not be fairly constituted? He would not accuse the Irish government of thirsting for the blood of prisoners, but this he must say, that they had followed out rules adopted in the spirit of arbitrary caprice in such a manner as to spurn and trample on the very appearance of fairness in the administration of justice. Was this policy to be brought to bear upon England? If so, the press in this, country must be conducted on different principles from those upon which it had been carried on during the last ten years. It certainly could not be said, that during the period to which he referred, writers or speakers in this country were at all mealy-mouthed when commenting upon the administration of justice or the conduct of the executive government; but, then, to be sure, it was the late Government. In conclusion, he must declare that giving noble Lords and right hon. Gentlemen opposite credit for good intentions, they found in Ireland a spirit which overruled them all, and compelled them to convert even the sword of justice into a weapon of party warfare.

Sir *J. Graham*: I am most unwilling to prolong this discussion, but considering the relation in which I stand to the Irish Government I do not think it would be right in me to allow the debate to close without addressing a few observations to the House; and I will do so the more readily, because my reliance is implicit on the honour, impartiality, and singleness of purpose, and the solemn assurances of my noble Friend at the head of that Government, that no object so dear to his heart, no policy in his opinion so indispensable for the safety of that portion of the empire with the government of which he is entrusted, as the most strict and impartial administration of justice. Every thing, therefore, touching this point, is, in my opinion, of vital importance. Much has been said during the debate of the law officers of the Crown in Ireland, and especially of the Attorney-general of that country. But who is the first law officer of the Crown in Ireland? Is he unknown to hon. Gentlemen on the other side of the House? I will say nothing of his having been Earl Grey's Attorney-general, but was he not Attorney-general under Lord Melbourne? And, notwithstanding the squeamishness of hon. Gentlemen opposite on the present occasion as to the selection of the law officers of the Crown for political considerations, is it not notorious that the the only offence in the eyes of Lord Melbourne committed by Mr. Blackburne, the Attorney-general for Ireland, was committed in 1835, when he consented to serve the Government of my right hon. Friend. It was on that account that on the return of Lord Melbourne to power, Mr. Blackburne was, from political considerations, and political considerations only, removed. The Attorney-general for Ireland is a gentleman of high honour and unblemished character—a gentleman who has been trusted by various Administrations, and one whose integrity and capacity as a lawyer has never been impugned. Such is the first law officer of the Crown in Ireland. I do not intend to follow the hon. Gentleman who has just sat down in his vague and general statements, nor shall I enter on all the topics broached by the right hon. Member for Dungarvan. I will not, for instance, follow him into the particulars of the appointment of Baron Lefroy to the bench, though that circumstance has been made the most of by the right hon. Gentleman. I believe that Baron Lefroy's learning is undoubted, and that his moral character is unassailable—and I will not, therefore, stop to assert them. It is true that some twelve or fourteen years since, at a trying period to the Government in Ireland, he took a strong part in politics. But is that a bar, in the eyes of the other side of the House, to promotion to the bench? Was it the practice of the late Administration to permit political partisanship to act as an obstacle to judicial promotion? I ask them to look at the case of Sergeant O'Loughlin, who was promoted to, if not the highest judicial station in Ireland, certainly the next to it. Yet, Sergeant O'Loughlin is well known to have been a pretty warm politician. It may be said that the learned Sergeant was appointed to an equity Judgeship; but he was previously appointed to the bench as a Barn of the Exchequer, which is a criminal judgeship. I will run through the list of the legal appointments of the late Government in Ireland. There is Judge Perrin, who was their Attorney-general in that country; Chief Baron Wolfe, who had been Attorney-general; Baron Richards, who had been Solicitor and Attorney-general; Chief Baron Brady, who had been Attorney-general; and Mr. Justice Ball, who had been Attorney-general also. These were their appointments, and any one is able to answer the question whether or not they were made through political partisanship, or from other more abstract motives. Having enumerated these several appointments, I will say, that one and all of them had found their way to the judicial bench by means of political partisanship. I have shown, then, that in the estimation of the late Government, so far from active political partisanship being a ground of exclusion, it was the most direct course to the judicial bench. Some comment has been made upon the circumstance that my noble Friend (Lord Jocelyn), who holds an office in the Household, and who, being an Irishman, and taking an active part in Irish politics, has avowed that he canvassed in favour of Mr. Gregory, the Conservative Member, at the election for Dublin. But is it generally considered that the accident of holding an honorary situation should prevent a man taking an active part in political matters. [" Yes."] Does that reply arise from innocence, or is it not rather from forgetfulness? The conduct of the party opposite was not marked by any such squeamishness in the case of the hon. Member for Chatham, who, holding a position in the household of her Majesty much higher than that which is filled by my noble Friend in the household of tho Lord Lieutenant of Ireland, took a most active part in the contested election in favour of the liberal party. I believe that hon. Gentleman discharged the arduous duties of chairman of the Westminster Election Committee, and took an active part in favour of the hon. Gentleman I see opposite (Mr. Leader), though holding at the time the office of Comptroller of her Majesty's Household. Other points of minor importance have been introduced into this discussion, but I admit, at once, that the question of paramount importance is that with regard to the mode in which justice is administered in Ireland. And here I must be permitted to say, that in the unhappy state of party divisions in Ireland, arising principally from religious differences in that country, there is a peculiar difficulty attending trials by jury. This unhappy fact it is impossible to deny. It is of the last importance, not only that the administration of justice in the shape of trial by jury should be carefully guarded against abuse, but that every unfair attack made upon the Government, imputing to them partiality and injustice in reference to this subject, should be viewed with peculiar jealousy. Now, first, with regard to the attack which has been made on the ground of the partiality with which juries have been constituted, so far as the Government of Ireland is concerned. The hon. and learned Gentleman who has just sat down, in adverting to this point, has alluded to the analogy with regard to juries between Ireland and England. I wish I could admit that that analogy was perfect, but I find from the unfortunate circumstance to which I have just adverted, that it is difficult to maintain that it is so; and I will proceed to illustrate the difference which exists between the two cases by a fact which all will allow. In this country it is a circumstance unknown, to see a prisoner exercise the right of challenge to the extent to which it is carried in Ireland. In the trial of Hughes, to which reference has been made, I believe the prisoner set aside twenty jurymen. From what circumstance does this excessive exercise of the right of challenge arise? From the unhappy and divided state of society in Ireland, resulting in the most bitter jealousy, and the most angry and hostile feelings, and if the law officers of the Crown were to allow the exercise of this right of peremptory challenge to the extent to which it is too frequently pressed on the part of a prisoner, if he be tried singly, and much more so if more prisoners than one be tried at one time, without exercising a corresponding challenge upon the part of the Crown, you may talk to me of justice, but it would be a prostitution of the term, and would practically amount to impunity for the most heinous crimes. It is absolutely necessary, for the purposes of justice, when the right of challenge is exercised in this manner by the accused, that the corresponding right of the Crown should be maintained and acted upon. My noble Friend has put me in mind that the case of two prisoners being tried together, and exercising their extreme right of challenge, is no ideal one—for it actually occurred at the assizes at Clonmel, where two persons who were indicted together set aside no fewer than forty jurors. I say, therefore, that unless the right of challenge on the part of the prisoner be counteracted by a corresponding exercise of that right on the part of the Crown, we might preserve the semblance of justice, but practically we should establish nothing but impunity for every species of crime under the semblance of trial by jury. Every thing, of course, depends upon the manner in which the right of challenge may be exercised on the part of the Crown, and I contend that in the case which has been referred to, and in all others in which the Government have been concerned, it has been exercised by the law officers of the Crown in conformity with old and established rules. I assert most positively that in the case of Hughes the right was so exercised, when twenty-four persons were ordered to stand by; and in each case in perfect conformity with those rules to which I allude, and which were not established by the present Government, but by former Governments, and in the main, I believe, they were framed by Chief Baron Brady, when he was Attorney-general to the late Government. The right hon. and learned Member for Dungarvon thought fit to pass the fact by altogether; but I assert it on the authority of one whose veracity is above suspicion, and whose integrity as a man, any more than his ability as a lawyer, no one doubts—namely, the present Lord Chancellor of Ireland. As one of the Lords Justices of Ireland, it was the painful duty of my right hon. Friend to pass in review all the circumstances of the case of Hughes. My right hon. Friend, acting under the heaviest responsibility which rests on any individual—having to decide whether the law should take its course in the case of a fellow-creature left for execution—entered upon the strictest investigation of all the circumstances connected with the case, and his attention was specially directed to the right of peremptory challenge exercised by the Crown on that occasion. He saw the statements of counsel, he examined the Crown-solicitor, he examined all the facts of the case separately; and the result of his investigation was that all the Catholics who were set aside were set aside on the fair interpretation of the standing rules issued by Mr. Brady, and acted on since then. Others of the jury who were set aside were challenged as being publicans. I will not enter into the dispute arising out of the interpretation of the term "ordinary publican;" it is sufficient for me to know, that the Lord Chancellor, after the most mature consideration, satisfied himself that they had been properly set aside. In the case of M'Donell, however, there were doubts, and the Lord Chancellor took great pains to investigate it, and having done so was satisfied that in that case, also, the challenge had been properly made, and the juror justly set aside, according to the rules and practice of the court. The investigation, then, on the part of the Government, has been careful and complete. No new rule has been established to meet present purposes, but the Government has acted upon the practice which was instituted by the responsible persons connected with former Governments. The parties who exercised the right on the part of the Crown have been called to account in the strictest manner by the highest law authority in Ireland, who, having carefully examined the whole of the facts, and entering upon his investigation with the English notions of an English lawyer, of the highest eminence, and bringing those English notions to bear upon the administration of justice in Ireland—having to decide whether the conviction was good, and whether the last penalty of the law should be inflicted, had decided in favour of the conviction, and, consequently, the law was allowed to take its course. In the case of the libel in the *Newry Examiner*, there is a pretty strong presumption that the party felt that he had no vindication, for he pleaded guilty and no trial took place. With respect to the article which was tried, and which reflected on the administration of justice in Ireland, every person who has read the article must be aware that the language employed in it is not that of fair discussion, and could not, in a country circumstanced like Ireland, be passed by unnoticed. The hon. Gentleman opposite has admitted that many of the expressions in the article were not suited to fair discussion. [Mr. *C. Buller*: I stated that the sting of the article was in its temperance and truth.] The temperance of the article the hon. Gentleman himself threw overboard; and, with respect to its truth, I have proved, on the authority of a disinterested witness, that the exercise of the prerogative of the Crown was necessary for the due administration of justice. The hon. Gentleman talked about fair comments on the executive Government. Now, it is not my duty or misfortune to read all the articles which appear in the Irish newspapers on the present executive Government, but I believe their tone is not more moderate than in former days. With respect to attacks on the conduct of the Government, it is not the policy, nor the wish, nor disposition of the present Government to resent them by prosecution; but, for the sake of justice, for the sake of peace, for the maintenance of law and order, articles of the description of that which appeared in the *Vindicator* must be punished. I am certainly of opinion, on the whole, that the conviction of Hughes was consistent with justice and law; and that the remarks made upon that trial were of a dangerous character, and that it was the bounden duty of the Government to notice them.

Viscount *Palmerston* concurred with the right hon. Baronet in doing full justice to the pure and good intentions of the noble Lord at the head of the Irish Government. He had known the noble Lord for many years, and he felt convinced that it was impossible for any man to bring to the performance of the high functions with which he was intrusted, better intentions. He was also ready, in common with all who had taken part in the present debate, to do justice to the intentions of the noble Lord opposite (Lord Eliot); and if he said, that, after all that had passed that evening, he did not think that those who had spoken on the other side had given full and satisfactory answers to the matters brought into question, nobody would suspect that he imputed any intentional default of duty to either of those two noble Lords; but it turned out, as it was predicted before the present Government came into office, and as it had been repeated since, that they laboured, in the administration of the Irish Government, under difficulties with which it was scarcely possible for them successfully to struggle. They had to administer the government of a great nation by means of a minority of the people, which minority held opinions, on many subjects, entirely at variance with the great mass of the people; distrusting, on their side, the majority, and being, on the other side, distrusted by them, so that there could be no confidence between them. He was sorry to say, that there did not exist much good will on either side. This was the difficulty with which the Government had to contend; and it was not surprising that, with the best intentions to do that which was right, they should be obliged to work with the only instruments it was in their power to employ, and fail in accomplishing the end they purposed when they first commenced the administration. The noble Lord had truly stated that the Government could not be expected to confer high appointments on their political adversaries; that it was natural and necessary that they should look for persons to fill appointments among those who were connected with them in general political sentiments, and that there was nothing unreasonable in the mode and extent in which they had appointed their political friends. Now, against the appointment of Mr. O'Loghlen, Mr. Perrin, Mr. Woulfe, and Mr. Ball, he did not think any reasonable objection could be found. But whatever might be the legal eminence of Mr. Lefroy, or the merits of his personal character, he still must say, that his was an unfortunate appointment. For the hon. Gentleman opposite (Mr. Serjeant Jackson) he felt the highest respect individually—no man's personal character could stand higher; yet he did not think his appointment fortunate. He would not mention appointments of a subordinate grade in Ireland, but he must say, that he concurred entirely in those observations which had been made on the selection, by Government, of persons to fill prominent stations having a material influence on the administration of justice. He did not think any satisfactory reason had been given for the composition of the jury which had been animadverted on. They were told that the exclusion of Catholics from the jury, when Catholics were tried, was the result of a rule established before the present Government came into power, and was acted on by those who preceded them; but, considering the temper of men's minds in Ireland, he thought no rule ought to be allowed to exist, if its operation necessarily led to the constitution of an entirely Protestant jury to try a Catholic. He thought that the present debate had been extremely useful in drawing to these matters the attention of those Members of the Government who were not only anxious that justice should be done in Ireland, but that the belief should prevail among the people that justice was done—a matter scarcely less important than doing justice. He could not but think that this debate would have a beneficial effect, because he was persuaded that the two right hon. Baronets, whom he saw opposite, and that the two noble Lords immediately connected with the Government of Ireland, would, as far as lay in their power—and they had the power, if they chose to exert it—in future, take care, first of all, in selecting persons, to fill judicial situations, from among their political friends, not to choose those who would excite distrust in the mass of the people; and, in the next place, would endeavour, in selecting juries, that, somehow or other, they should be so composed as to afford the appearance of fairness and impartiality. He must say that the debate was gratifying and satisfactory in another respect also. Any person who had sat in that House, for any great number of years, must be gratified in comparing the tone and temper of the present debate, with those which some former debates, in antecedent periods, used to have, when Irish subjects were brought under discussion. The tone and temper of the present debate were exceedingly honourable to both sides of the House; and he must say, it was indicative of a great change, and a great mitigation of party feeling in Ireland. If this were the case, the conduct of his two noble Friends, Lords Normanby and Fortescue, had greatly conduced to bring about the change. From the impartiality with which they administered their high functions, their administration did tend, undoubtedly, greatly to assuage the asperity of party feeling in Ireland; and he thought he saw the fruits of their labour and moderation in the present debate. He was convinced that his noble Friends who now had the conduct of Irish affairs, would endeavour to pursue the same course, and he trusted they would overbear that local resistance which he knew they must find among some portions of those by whom they were supported. With respect to the particular papers moved for, it did not appear that those who spoke on the other side had intimated any intention to oppose their production. He presumed, from the course which the debate had taken, that the Government would grant the papers. He did not think the explanation given on the subject was clear and satisfactory; and it was due to the character of the Government that those papers should be produced. If the Government objected to their production, he should be prepared to divide with his right hon. Friend.

Mr. *Gregory* said, at that late period he did not intend to trespass on the kindness of the House, but merely to correct an erroneous statement that fell from the hon. Member for Dungarvan in the course of his speech. The right hon. Member stated, that at a certain meeting in Dublin he had made a "solemn pledge"—and, accompanied as his statement was with such elevation of manner and exaggeration of importance that usually precedes important revelations—no doubt hon. Members imagined that he had solemnly pledged himself to some dark and desperate act; but no!—he had merely given a solemn pledge to oppose the present system of education? But he could assure the hon. Gentleman that his malignity did not proceed even so far as that. He made no promise, and he gave no pledge that he would vote against the grant for education. He merely stated, universally, that he disapproved of that education of which the Scripture did not form the basis, and that he would do everything in his power to endeavour to obtain a system founded on religious principles. Of that language, and of these sentiments, he did not retract one word—one syllable. And now as the subject of education had been mentioned, he must be permitted to observe, as a matter of consolation to the hon. Member for Dungarvan, that the title and appellation of Government candidate, which, as he alleges, bears such undue influence with it, would not be regarded as so essential to the success of any future candidate for Dublin. The unnecessary, he might also say unworthy, taunt of the noble Lord the Secretary for Ireland, against the whole body of the Established Church in Ireland, would not be a matter of indifference to 7,000 Conservative electors of Dublin, who have still some respect and affection for the ministers of their religion. He should like, however, before he concluded, to ask the hon. Gentleman whether this was the time and place to put forward such allegations as to the undue influence exerted by her Majesty's Government in Ireland at the late electioh for Dublin? Was not the hon. Gentleman aware that, immediately on the close of the election for that city, a petition was lodged against his (Mr. Gregory's) return, and among the various acts of delinquency imputed to him and his supporters, none occupied so prominent a place as the undue influence and intimidation made use of by the Irish court in favour of the Government candidate. Well, then, what was the result of the petition? It was not merely unsuccessful—but not even prosecuted. Surely the electors of Dublin, who framed that petition, were not so obtuse as to abandon it with a fair chance of success, and to leave it to the lynx-eyed acuteness of the hon. Member for Dungarvan to discover the importance of the charges? He could perfectly imagine in his own mind the rapturous exultation of hon. Gentlemen of the Opposition on the bringing up of the report, wherein would be fully substantiated and elicited the various misdeeds and unconstitutional proceedings of the Government. But, as he fully anticipated, the result and upshot of that motion, as far as his particular position was concerned, had been to prove that in no previous election was there ever such strict impartiality pursued as on the present. Not only had it come out, that not even did the officers of the Lord-lieutenant's household refrain from canvassing—but even, as much as possible, avoided being seen in the streets during the election. The noble Lord the Member for Lynn (Viscount Jocelyn) had fully explained his motives in accompanying him in his canvass, and had denied even the cognisance of the Lord-lieutenant as to his proceeding. With the votes and speeches of 1831, he (Mr. Gregory) had now nothing to do; but had only to congratulate her Majesty's Government that it was such unfounded accusations as those that had proved its complete fairness and impartiality.

Sir *R. Peel* then rose and said, Sir, the noble Lord, towards the conclusion of his speech, expressed a confident expectation that the Government did not intend to oppose the motion of the right hon. and learned Gentleman the Member for Dungarvan. I think I should be far more warranted in expressing a confident expectation that the right hon. Gentleman did not mean to take the sense of the House upon this subject; for those who have heard the speech of the right hon. Gentleman have heard denunciations of the Irish Government, of partiality in the administration of justice, and an impeachment of their conduct in respect to the selection of jurors, and of course they would suppose that his motion had some connection with his charge. But, on the other hand, the whole result of his charge against the Government of Ireland is a motion for the correspondence relative to the case of Mr. St. George. Now observe, at the earliest period of the Session the right hon. and learned Member the Lord Mayor of Dublin gave notice of a motion on the subject of the trial of Hughes. He presented the very petition to which the right hon. Gentleman referred, and which the right hon. Gentleman expressed his surprise at not having excited the attention of the House. The right hon. and learned Gentleman presented that petition, and gave a notice at an early period of the Session. He has withdrawn that notice; he has returned to Ireland. The right hon. and learned Gentleman the Member for Dungarvan now brings forward certain cases, and all he asks is for the correspondence relating to a matter totally different, viz. the restoration of a gentleman who had been removed from the magistracy. Now, with respect to Mr. St. George, I have the honour of a personal acquaintance with that gentleman. I have known him from a very early period of my life, and I believe a more truly honourable man does not exist. But at the same time I must say, that I think the letter he wrote to Lord Normanby, the representative of her Majesty in Ireland, was not warranted, and that it justified his removal from the commission of the peace. Upon the accession of the present Government in Ireland, no step whatever was taken with regard to the restoration of Mr. St. George to the magistracy; but a memorial from several magistrates of the county of Galway, from gentlemen knowing the respectability of his character, his efforts to improve the condition of the people, and the integrity of his purpose, did petition the Government to restore him to the commission of the peace. That memorial was forwarded to the Lord Chancellor by the Lord-lieutenant of the county—a Lord-lieutenant opposed in politics to the Government—a political friend of Lord Normanby joined in the recommendation. Why, it may be supposed that the Lord Chancellor of Ireland was anxious to avail himself of the earliest opportunity of restoring a gentleman whose political opinions were in concurrence with his own; but still he took no step, but asked Mr. St. George to make some reparation for his offence to Lord Normanby. Mr. St. George hesitated as to terms, but some explanation was offered, which the Lord Chancellor communicated to the present Lord-lieutenant, and asked him whether he considered that that was sufficient, it being accompanied by a disclaimer of having the slightest intention to do anything that was offensive to Lord Normanby. The present Lord-lieutenant said to the Lord Chancellor that if the case were his he should be satisfied with the explanation; and upon that, the recommendation of the Lord-lieutenant of the county was acceded to, and Mr. St. George was restored to the commission of the peace. Now, can there be any public object to be gained by calling for the correspondence: and is it not a miserable conclusion of the speech of the hon. Gentleman, and his impassioned declamation, to call for nothing more than this by-gone correspondence? Surely the hon. Gentleman must feel that the motion he has made has no necessary connect on with his speech, and that he will not ask his right hon. and hon. Friends near him to concur with him in such a motion. I concur with the noble Lord opposite in reference to all countries, and particularly to Ireland, circumstanced as she is, that it is not sufficient that justice should be purely administered, but that it is of the utmost importance to the comfort, and peace, and satisfaction of the people, that there should be confidence on their part in the administrators of that justice, and that the administration of justice has lost the whole of its advantages, unless it be accompanied with a conviction on the minds of those with respect to whom that administration is to take place that justice will be done. And when the noble Lord contrasted the tone of this with the tone of all former debates on Ireland, and considered it an indication of an abated animosity, I think it is a proof that my two noble Friends, the Lord-lieutenant and the Chief Secretary for Ireland, have not failed in their efforts. If so, I think the noble Lord had no right to draw a conclusion that my noble Friends have not succeeded in their great object of restoring peace to Ireland. I was taunted in 1839, when I was out of office, that it was impossible I could advise the Crown to make satisfactory appointments for Ireland, and the language with respect to the higher offices was this:—I was told, and justly told, that whatever declarations I made as to my intention to govern Ireland in a conciliatory manner, yet my appointments to the chief offices would be a much better indication of my intentions than any such declarations. What have been the appointments? I take the appointment of the Lord-lieutenant. Depend upon it, he, with that knowledge of the world, and firmness of purpose which he possesses, did not undertake that office without determining to submit to no agent to dictate to him. There was no man who made greater sacrifices than my noble Friend in undertaking the administration of Ireland; I mean sacrifices of a domestic nature. Nothing but a sense of public duty did induce him to undertake the administration of Ireland, and foregoing those pursuits which formed the delight of his life; but he would not retain that office an hour unless he were permitted to follow the dictates of his own good sense. But the noble Lord has spoken in such handsome terms, such deserved terms, of my noble Friend, that I need say nothing more for him. Then as to the office of Chief Secretary for Ireland—one scarcely less important—could a higher indication be given of the spirit in which the administration of Ireland should be conducted than the appointment of my noble Friend? The House will probably recollect that it was said in a discussion upon some domestic matters in Ireland, great difficulties must be opposed to the selection of my noble Friend; but I thought it was my duty, in concurrence with my right hon. Friend the Secretary for the Home Department, to propose my noble Friend as Chief Secretary of Ireland; and I consider those two nominations of the two great posts in Ireland to be a decisive proof of the administration of affairs in that country. And now take the Lord Chancellor of Ireland. Did any man ever complain of his political course in Ireland? During the period he was in office in 1835, did he not obtain the good opinion of the bar for the great extent of his professional knowledge, and the goodwill of all parties for his impartiality? I proposed his re-appointment as Lord Chancellor, and he is acting in 1842 in the same spirit in which he acted in 1835. There has not been a case that has come before the Government of Ireland to which he has not applied the acuteness of his mind and his professional assistance, to secure the due administration of justice. Was it possible, I ask, that any arrangement could be made, if I had taken the choice of all parties, and disavowed all party considerations in the three appointments, that could constitute a greater proof of the way in which the affairs of Ireland would be administered? The right hon. Gentleman said that I gave an assurance that the appointments should be made without reference to party considerations. If I had said in such general terms that such considerations should not influence the course of the Government, it could not be supposed that I thereby meant that the selection of persons to fill the chief offices of state should be made from my political opponents. Gentlemen opposite could never have been simple enough to believe that I should have resorted to their ranks for persons to administer the government of Ireland; but having had some experience in Irish affairs, and knowing as to the appointment of officers what inferences were likely to be drawn from my remaining silent, I guarded myself against such inference. I should have thought it would be expected that the Prime Minister in this country would select for offices of trust those who were united to him by political ties; but, fearing that if I remained silent some incorrect inferences might be drawn, I was determined to prevent it, and therefore in the very speech referred to by the right hon. Gentleman, I expressly said:—

"I think the Crown ought to act on the principles of law (that is, the law which removed the disqualification of Roman Catholics), and not to make religious opinions interfere as a ground for disqualifying persons from the exercise of civil functions—' (It was quite true I said that, but fearing that it might be misconstrued, I added)' I claim for myself, however, the same right which you my opponents exercise, and which every Government ought to exercise, that of preferring political supporters to offices of trust and importance, and which could not be usefully or properly filled without concurrence in political opinions."

With respect now to the judicial offices and legal appointments—it was confidently prophesied, with reference to judicial offices, Parliamentary services would be considered. What was the first act of the Government on the occurrence of a vacancy in the office of Lord Chief Justice? It was to appoint Mr. Pennefather to that office. He was very unwilling to accept the office of Solicitor-general on our re-appointment in 1841; however, he did consent to accept, but such was his high professional standing at the bar of Ireland, that the Solicitor-generalship offered but very little inducement for him to accept it. It was no object to him. On the occurrence, then, of a vacancy, the appointment of Lord Chief Justice was offered to him and accepted. But as to Parliamentary or political influence he had none, and there could be no other object in his appointment than to give professional eminence the preference over Parliamentary service. As to his charge to the jury in the case the right hon. Gentleman referred to, what a different construction did the terms which the Lord Chief Justice used receive when my hon. Friend read them from that which they bore when the right hon. Gentleman quoted them. But will any man say that a better appointment could be made to the office of Lord Chief Justice than that of Mr. Pennefather? and will not the unanimous voice of the Irish bar confirm the propriety of the selection? Then, with respect to Mr. Lefroy, I venture to say that at no bar was there ever a better equity lawyer than Mr. Lefroy? and then as to his violence—hon. Gentlemen must have heard Mr. Lefroy in this House —[*Laughter*]—why, I cannot even mention "violence" without exciting the laughter of hon. Gentleman on the other side. But did he ever make a speech that unfitted him for a judicial appointment? Never in my hearing. Why, Lord Wellesley offered him a seat on the Bench, I believe twelve or fifteen years since, and such was the eminence of Mr. Lefroy as an equity lawyer in Ireland, that, I believe, that offer of Lord Wellesley was the third Mr. Lefroy had received. There cannot be otherwise than an universal admission of his great professional eminence, and I must say it does savour of the greatest intolerance, that because in 1829 Mr. Lefroy opposed the removal of the Roman Catholic disabilities, it was to disqualify him from receiving the due reward of his professional eminence; and fo the noble Lord to read us these lessons as to the policy of avoiding politics in judicial appointments, when he was a party in offering the appointment of the Chief Barony of the Exchequer to the strenuous advocate of the repeal of the Union, to a Gentleman who has taken, like the hon. and learned Member for Cork, a vehement part in politics—for the noble Lord, having been a party to that transaction, to lavish this indignation upon us who have promoted Mr. Lefroy, one of the most eminent equity lawyers of the bar, to the office of a puisne baron in the same court,—it does savour of that same assurance—that, I think, is a Parliamentary word—that enabled the noble Lord, with a gravity of countenance, to congratulate us on the position he has secured to us in Affghanistan. It is a remarkable circumstance that the merits of those who do not happen to be selected for the appointment are urged against us. Unless I am greatly mistaken, on the occasion of a rumour that an English lawyer was to be selected to fill the office of Lord Chancellor of Ireland, that most vehement complaints were made that an Irishman was not selected for the office — and I think it was stated upon that side of the House, and upon high legal authority, that there could be no pretence for a Conservative Government sending an English lawyer to Ireland, when they had so eminent a member of the bar in Ireland as Mr. Lefroy. When Mr. Lefroy was not the object of the choice, and the intention was to disparage our appointment, then Mr. Lefroy was not only discovered to be the most eminent equity lawyer in either country, but he was described as the fittest person to fill that very office which commands the appointment of the whole of the magistracy. The noble Lord spoke of the Master of the Rolls, but observe, that is, like the Lord Chancellor, an equity appointment, but there is a difference in this respect:—the duties of the Master of the Rolls are merely of a judicial character, but the office of the Lord Chancellor is a political, as well as a judicial office. There is probably no criminal judge whose duties are of so delicate and difficult a nature to discharge as the Lord Chancellor of Ireland; and yet the appointment of Mr. Lefroy was urged after the charge of voting against the removal of the Roman Catholic disqualifications in 1829. Considering, then, all the facts I have stated, I do think that the Government would have acted the shabbiest and most miserable part had they said to Mr. Lefroy, "True it is, your professional merit and your high standing deserve the greatest distinctions, but some dozen years ago you opposed a certain measure in Parliament and you have supported her Majesty's Government, and therefore you shall not have the office your abilities and your character undoubtedly deserve." With respect, now, to the Solicitor-general for Ireland, allusion has been made to what passed the other night on the subject of the national system of education, and although on that point I differ from the learned Gentleman, I am bound to say, that his high abilities, his eminent professional reputation, and his unimpeachable moral character—all well entitled him to the office the duties of which he has so irreproachably, so creditably discharged. Sir, I stated when out of office the principles upon which I intended to govern Ireland; those declarations caused some dissatisfaction and disappointment among a section of my supporters; but having deliberately adopted those principles, and being firmly persuaded that it is for the real interests of the country that patronage should be dispensed with a regard rather to professional reputation than party services, and that it is a proper and salutary policy to act in concert with, and not in opposition to the spirit of that legislation which professes to abolish religious disqualifications for public offices—thinking it just that the Executive should thus harmonize with the Legislature, I have endeavoured steadily to carry out those principles; and believe that I have no reason to regard any of the appointments which have been made as at all inconsistent with them.

The House divided on the question that the words proposed to be left out stand part of the question:—Ayes 146; Noes 75: Majority 71.

List of the Ayes.

Acland, Sir T. D.
A'Court, Capt.
Allix, J. P.
Antrobus, E.
Arbuthnott, hon. H.
Arkwright, G.
Baillie, Col.
Baird, W.
Balfour, J. M.
Bankes, G.
Baring, hon. W. B.
Barrington, Visct.
Bateson, R.
Beckett, W.
Beresford, Major
Blackburne, J. I.
Blackstone, W. S.
Boldero, H. G.
Botfield, B.
Bradshaw, J.
Bramston, T. W.
Broadwood, H.
Bruce, Lord E.
Buck, L. W.
Buckley, E.
Buller, Sir J. Y.
Burroughes, H. N.
Campbell, A.
Chelsea, Visct.
Clerk, Sir G.
Clive, hon. R. H.
Cockburn, rt. hn. Sir G.
Colvile, C. R.
Corry, rt. hon. H.
Courtenay, Lord
Cripps, W.
Damer, hon. Col.
Darby, G.
Dawnay, hon. W. H.
Denison, E. B.
D'Israeli, B.
Dodd, G.
Douglas, Sir C. E.
Douglas, J. D. S.
Duncombe, hon. A.
Egerton, W. T.
Eliot, Lord
Escott, B.
Farnham, E. B.
Fitzroy, Capt.
Fitzroy, hon. H.
Ffolliott, J.
Forbes, W.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Gore, M.
Goring, C.
Goulborn, rt. hon. H.
Graham, rt. hn. Sir J.
Granby, Marq. of
Greene, T.
Gregory, W. H.
Grimsditch, T.
Grimston, Visct.
Grogan, E.
Hale, R. B.
Hamilton, W. J.
Hamilton, Lord C.
Harcourt, G. G.
Hardinge, rt. hn. Sir H.
Hardy, J.
Hayes, Sir E.
Heneage, G. H. W.
Henley, J. W.
Herbert, hon. S.
Hodgson, R.
Hogg, J. W.
Hughes, W. B.
Hussey, T.
Inglis, Sir R. H.
Jackson, J. D.
Jermyn, Earl
Jocelyn, Visct.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Knatchbull, rt. hn. Sir E
Lascelles, hon. W. S
Lefroy, A.
Legh, G. C.
Leicester, Earl of
Lincoln, Earl of
Litton, E.
Lockhart, W.
Lowther, J. H.
Lowther, hon. Col.
Lyall, G.
Mackenzie, T.
Mackenzie, W. F.
M'Geachy, F. A.
Manners, Lord C. S.
Masterman, J.
Meynell, Capt.
Morgan, O.
Neville, R.
Newry, Visct.
Nicholl, right hon. J.
Norreys, Lord
O'Brien, A. S.
Pakington, J. S.
Palmer, R.
Patten, J. W.
Peel, rt. hn. Sir R.
Peel, J.
Plumptre, J. P.
Praed, W. T.
Rolleston, Col.
Rose, rt. hon. Sir G.
Rous, hon. Capt.
Rushbrooke, Col.
Russell, C.
Russell, J. D. W.
Sanderson, R.
Scarlett, hon. R. C.
Seymour, Sir H. B.
Smyth, Sir H.
Somerset, Lord G.
Sotherton, T. H. S.
Stanley, Lord
Stuart, H.
Sutton, hon. H. M.
Taylor, T. E.
Tollemache, J.
Trench, Sir F. W.
Trevor, hon. G. R.
Trollope, Sir J.
Trotter, J.
Tyrell, Sir J. T.
Verner, Col.
Vesey, hon. T.
Vivian, J. E.
Waddington, H. S.
Williams, T. P.
Young, J.

TELLERS.

Baring, H.
Pringle, A.

List of the NOES.

Aldam, W.
Barnard, E. G.
Bernal, R.
Blake, M.
Bowring, Dr.
Brotherton, J.
Browne, hon. W.
Bryan, G.
Bulkeley, Sir R. B. W.
Buller, C.
Busfeild, W.
Byng, rt. hon. G. S.
Carew, hon. R. S.
Cave, hon. R. O.
Cavendish, hon. C. C.
Childers, J. W.
Cobden, R.
Colborne, hn. W. N. R.
Colebrooke, Sir T. E.
Collins, W.
Corbally, M. E.
Crawford, W. S.
Dalmeny, Lord
Duncan, G.
Duncombe, T.
Easthope, Sir J.
Ebrington, Visct.
Ellis, W.
Evans, W.
Ewart, W.
Ferguson, Col.
Forster, M.
Gibson, T. M.
Gill, T.
Gore, hon. R.
Greenaway, C.
Hastie, A.
Hatton, Capt. V.
Hill, Lord M.
Hobhouse, rt. hn. Sir J.
Howard, hn. C. W. G.
Howard, hon. J. K.
Howard, P. H.
Howard, hon. H.
Howard, Sir R.
Hume, J.
Hutt, W
Johnson, Gen.
Langston, J. H.
Lemon, Sir C.
Macnamara, Maj.
M'Taggart, Sir J.
Marshall, W.
Morris, D.
Napier, Sir C.
Norreys, Sir D. J.
O'Brien, J.
O'Conor, Don
Palmerston, Visc t.
Pechell, Capt.
Philips, M.
Plumridge, Capt.
Pulsford, R.
Rundle, J.
Sheil, rt. hon. R. L.
Smith, rt. hon. R. V.
Somers, J. P.
Somerville, Sir W. M.
Stewart, P. M.
Strutt, E.
Thornely, T.
Wawn, J. T.
Williams, W.
Wood, B.
Wyse, T.

TELLERS.

Tuffnell, H.
O'Connell, M. J.

Main question again put that the Speaker do leave the Chair.

Mr. *Hume* objected to their proceeding with the estimates at so late an hour (half past twelve).

Sir *R. Peel* reminded the hon. Gentleman that there was yet a great deal of public business to get through.

Mr. *Brotherton* moved the adjournment of the House.

Mr. *T. Duncombe* seconded the motion.

After some conversation the motion for the adjournment was withdrawn.

House in committee of supply.

House resumed. Committee to sit again.

Adjourned at a quarter before two.

* * *

HOUSE OF LORDS,

Tuesday, July 19, 1842.

MINUTES.] BILLS. *Public.*—2ª· London Bridge Approaches Fund; Militia Ballots Suspension; Fisheries Treaty Act Continuance; Slave Trade Treaties Continuance; Tnrnpike Acts Continuance; Districts Courts and Prisons.

Committed.—Drainage (Ireland); New South Wales.

Reported.—Lunacy.

3ª· and passed:—Charitable Pawn Offices (Ireland); Tithes Commutation.

Private.—1ª· Mersey Conservancy.

2ª· Southwark Improvement (No. 2).

Reported.—Duke of Buckingham's Estate.

3ª· and passed:—Reading Cemetery; Liverpool and Manchester Railway.

PETITIONS PRESENTED. By Lord Brougham, and the Marquess of Londonderry, from Medical Associations of Glasgow, South Shields, Cornwall, Newcastle-upon-Tyne, Taunton, and South Devon, against the contemplated Medical Reform without further Inquiry.—From Dissenters of Duxford, to substitute Declarations for Oaths.—From the Ulster Canal Company, in favour of the Drainage (Ireland) Bill; and from Tullamore, to exempt the Grand Canal Company from its Provisions.—By the Duke of Cleveland, from certain Persons to secure the better Religious Instructions of Catholics in the Army and Navy.—By the Earl of Galloway, from Kensington, Chelsea, City of London, and Miners of Hopton and Thornhill, in favour of the Mines and Collieries Bill.—By the Marquess of Londonderry, Lord Hatherton, the Duke of Hamilton, and the Earl of Scarborough, from Colliers of Hochlin Moor, and Helmly Moor Pit, and of the Redding colliery, parish of Polmont; from Colliers of Over Darwer; from Colliers in the parishes of Amroth Bigelly and St. Isella; from Females in Thott's Iron Works; from Sir John Hope, and Colliers of the Earl of Elgin's Collieries, Fifeshire, against parts of the Mines and Collieries Bill.—From Devizes, for the Prevention of Bribery.—From the Clergy of the Archdeaconry of Wells, for Alteration of the law for Rating Tithes, and for Church Extension.

MINES AND COLLIERIES.] The Duke of *Hamilton* having presented two petitions from the women employed in certain mines and collieries in Stirlingshire, against the Mines and Collieries Bill, went on to say, that independently of all the considerations to which the petitioners referred, he looked upon this bill as most objectionable in principle and detail. It trenched on that right which every man and woman ought to enjoy, of disposing of their labour in what way they thought proper. He had no doubt whatever of the humane intentions of the promoters of the bill, but he thought they were wholly mistaken in the practical way in which they proposed to carry out those intentions. It might be very well to desire to relieve a woman from the drudgery of labour in a colliery—though, by the way, the extent of that drudgery was greatly overrated; but what kind of substitute did they propose to give for this labour? None whatever. The poor females so employed did not desire to be relieved from it. It was sweet to them, because by it they were enabled to maintain themselves, or, perhaps, a parent or a child, or, perhaps, all three. Deprive them of that labour and they were made miserable, as well as those dependent on them. On all these grounds he thought the bill most unjust in its principle, and most ruinous to those poor persons in its consequences.

Petition to lie upon the Table.

DRAINAGE (IRELAND).] Lord *Wharncliffe* on the Order of the Day for a committee on Drainage (Ireland) bill, moved that the House do resolve itself into committee.

The Earl of *Glengall* said, that he did not wish to throw any unnecessary obstacles in the way of this measure; but he must object to it as being too general in its nature. He thought, that whatever was done in Ireland in the matter of drainage, ought to have reference to the particular districts. He must also object, that the bill was brought forward at a period when so many noble Lords connected with Ireland were absent from Parliament. He hoped, that before they took any further steps they would institute some inquiry on the subject. No sane person, he thought, would be induced to put his property in the power of the commissioners in the manner which was proposed by the bill; but as he had every reason to believe, that it would prove as inoperative as Mr. M. O'Ferrall's bill on the same subject, had, he, perhaps, should be wasting their Lordships' time if he troubled them further on the subject. He should, therefore, merely move that the bill be referred to a select committee.

Lord *Monteagle* thought the Government had done themselves very great credit by bringing forward this bill, which was free from all party questions, and had for its object the developing the latest resources of Ireland. The referring the bill to a committee—which he did not suppose the noble Earl had moved with a view of defeating the measure—was wholly unnecessary, for if ever there was a subject which had been exhausted this was one; it had been constantly before the House since the year 1809. There could be no apprehension that the measure would be oppressive, for it required the assent of two-thirds of those who were interested before it could be put into operation; and if there was a disposition to act oppressively, there was a remedy in the bill itself sufficient to prevent oppression. He would suggest an amendment of the second clause, giving a conditional, not an absolute, power to the Government to appoint commissioners.

The Marquess of *Clanricarde* said, that this was a bill which would not be tolerated for an instant in England. And as they heard so much of the inviolability of the union, would it not be most unwise to apply to property in Ireland a principle which they would never think of applying to property in England? He agreed with the noble Earl opposite, in thinking that the measure would be inoperative, but then that did not weaken the argument against the principle. It was true, that all the previous inquiries had demonstrated the necessity of drainage, but what had that to do with the confiscation of property, such as would take place if this bill passed into law? He would vote in favour of the motion of the noble Earl, in the hope that amendments would be made in the committee, which would render the bill less objectionable in many of its provisions.

The Earl of *Wicklow* thought, that if the object of the measure was desirable, namely, the drainage of the waste lands of Ireland, it was much better to have a general measure like that before the House, with the principle of which he concurred. Indeed, unless that principle were adopted, namely, of giving certain reasonable powers to the commissioners to carry the provisions out, the measure would be found impracticable. It would be useless to wait until those Irish proprietors whose estates required drainage applied for private bills, as unfortunately they did not display the same anxiety to improve their estates as the proprietors of this country. He should give his cordial support to the motion for going into committee.

The Marquess of *Lansdowne* thought that every circumstance and fact that had been stated in the course of this debate went to show the expediency of adopting this measure.

The Marquess of *Londonderry* was of opinion that the grand juries of Ireland ought to be made better acquainted than they were with the scope and intent of this measure. The Government appeared to him to be over-legislating, in attempting, so unnecessarily, to press this and other measures through the House at so late a period of the Session.

The Earl of *Charleville* was anxious that this bill should be referred to a select committee, in order that many of its provisions might undergo alteration and emendation. Even if the result of such reference should be to delay the measure for a Session, he did not think the inconvenience could be nearly so great as if they passed it in an incomplete form.

Lord *Cloncurry* supported the bill, on the ground that there were 3,000,000 of acres of wet and waste land in Ireland, which would be brought into cultivation under its operation.

Earl of *Clancarty:* My Lords, although I cannot agree with the noble Marquis (Lord Clanricarde) opposite, and other noble Lords who are utterly opposed to the bill, neither can I join in that unqualified approbation which my noble Friend near me (the Earl of Wicklow) has bestowed upon it. I concur in much that was said by the noble Lord opposite (Lord Mounteagle) both as to the necessity of some such measure, and the praiseworthy spirit in which her Majesty's Government have brought it forward; I give them the credit that is due for having given effect to the intentions of their predecessors in office by the adoption of a measure not their own, but of which they saw the utility. But while I give them credit for the motives with which they have brought this measure forward, I must express my regret that considering the very great powers with which it proposes to invest commissioners in interfering with private property, considering the very startling importance of several of the enactments in the bill, which nothing short of a paramount necessity should justify, the noble President of the Council in introducing the bill this evening to your Lordships, has barely glanced at its provisions and stated no case, brought forward no evidence whatever to justify them. The power given by the bill to the proprietors of two-thirds of any land, to compel the proprietors of the remaining third to place the management of the whole in the hands of Government commissioners, and the extraordinary powers conferred upon these commisioners of borrowing and laying out money, and charging with the repayment both of principal and interest not alone the lands which they undertake to improve, but any other lands lying within a mile of such improvement—these powers may be necessary, but the noble Lord stated no case showing them to be so; and, to his argument in favour of the bill that it had been passed through the House of Commons without a division, I cannot subscribe as any reason why your Lordships should not examine minutely into its provisions. So far from the apparent unanimity with which the bill has passed through the Commons being an evidence that it has been carefully considered, it appears to me to be an evidence of its having been very little looked into; for when in this House so much difference of opinion prevails respecting it, as the speeches that have been delivered this evening exhibit, it is scarcely reasonable to suppose that perfect unanimity should be found upon it in an assembly so much more numerous. I trust, therefore, that your Lordships will enter upon the consideration of the details of the bill on its merits, without relying upon the consideration given to it in the other House of Parliament. Of the necessity of a Drainage bill, general in its operation, I am fully satisfied; the want of Drainage in Ireland is that which of all things strikes the visitor to that country most forcibly. Undoubtedly much is being done, but much is also, of necessity, left undone for the want of a body, which the commissioners created by this bill will supply, to act with authority as umpires in applotting the expences of improvements among the proprietors who are benefitted, and to see the proper outlay of the money and the management of the works to be done. I think that for all this the bill before your Lordships provides; but I think it also goes further than is necessary in interfering with the rights of property. Care, my Lords, should be taken, that we do not precipitate matters, even though the object in view be the improvement of the country. Commissioners armed with great powers are, no doubt, to a great extent necessary; but let us not lose sight of the fact, that Ireland is already overrun with commissioners; that the powers exercised by these bodies are always a deduction from the stewardship of others, and their appointment a new and permanent charge upon the country. Within the last ten years we have seen Ecclesiastical commissioners appointed to supersede the Archbishops and Bishops in the administration of the funds for the building and repairing of churches; we have seen commissioners of Education usurping the province of the parochial clergy in the superintendence and direction of the National Education; Poor-law commissioners have been appointed to regulate the principle upon which the wealthier classes are henceforth to contribute to the relief of the destitute; and, until within the present year, a commission of stipendiary magistrates was rapidly growing up, that would eventually have altogether superseded the country gentlemen in their proper functions as the guardians of the peace and good order of the country, and of the rights of the poor. Further, a commission of public works has, in a great degree, superseded the grand juries in the superintendence of the thoroughfares, bridges, and public buildings, and in their control over the taxation of the several counties; and it is now proposed to invest commissioners with very extraordinary powers over private property. A modification of these powers it may be very necessary to give into their hands; but we must beware that we do not go too far in surrendering up the stewardship of those talents for which we have to be answerable, and to which we should apply ourselves without leaving too much upon others; we must take care that we do not in our eagerness for the improvement of the country, place every thing at the discretion of officers appointed by the Crown, as the Egyptians of old, though for a more pressing occasion, yielded up their cattle and their land, and eventually their persons, as the bondsmen of Pharaoh. As objections to the details of the bill may be better discussed in committee, I shall not, especially at this late hour, enter into the consideration of them at present. I will only say, that with respect to the 21st and 28th sections of the bill, I hope the noble Lord who has charge of it, will allow a very considerable alteration to be made in the former, and that the latter may be altogether omitted, as they involve a violation of the rights of private property which is quite unjustified by any necessity, and inconsistent alike with the interests and duty of the proprietory.

Lord *Wharncliffe* defended the bill, the objections to which he should prefer dealing with in committee. It was a bill which was generally called for, which had been exceedingly well considered, and which he was confident would have a beneficial influence on the country. He, therefore, objected to its being referred to a select committee.

The question that the bill be referred to a select committee w [illegible] House in committee.

On the second clause, empowering the Board of Works to appoint two additional paid commissioners, if necessary, being put.

The Marquess of *Clanricarde* moved that the clause be expunged.

The Earl of *Wicklow* supported the clause.

Their Lordships divided on the question, that the clause stand part of the bill:—Contents 30; Not-Contents 6: Majority 24.

Remaining clauses agreed to, with amendment.

House resumed. Report to be received on Monday.

House adjourned.

HOUSE OF COMMONS,

Tuesday, July 19, 1842.

MINUTES.] NEW MEMBER. Hon. William Edward Fitzmaurice, for the County of Bucks.

BILLS, *Public.*—1°. Game Certificates (Ireland).

2°. Customs Acts Amendment; Stamp Duties Assimilation; Stamp Duties; Assessed Taxes; Excheqner Bills Preparation.

Reported.—Prisons; Election Petitions Trial.

Private.—2°. Manchester, Birmingham, and Bolton Police.

3°. and passed:—Coward's Divorce; Mersey Conservancy.

PETITIONS PRESENTED. By Mr. Burroughes, from the South Devon Medical Association, South Shields, Council of the Provincial Medical Association, and Eastern Branch of the Medical Association, for Medical Reform.—From the Grand Jury of the Queen's County, against placing Medical Charities under the control of the Poor-law Commissioners.—From Dunoon and Biggar, for ameliorating the condition of Schoolmasters (Scotland).—From Debtors in the Drogheda Marshalsea, for Amendment of the law affecting Insolvent Debtors in Ireland.—By Sir R. Inglis, from the Windsor and Eton Church Union, for Extension.—By Lord Ashley, from North Mimms, for limiting the hours of Labour of young People in Factories.—From the Louth and Stockton Mechanics Institutions, for Relief from Rates and Taxes.—From Strabane Poor-law Union, for Amendment of the Poor Relief (Ireland) Act.—From Tortington, Climping, and Ford, Bury, Little Hampton, Clapham, Patching, Broadwater, Amberley, and Battle Unions, against the Poor-law Amendment Bill.—From Cottenham, for compelling Master Manufacturers out the Wages of their Labourers, to make provision for them in sickness, old age, or when out of Employment.

SURRENDER OF EXPATRIATED CRIMINALS.] Sir *R. Inglis* wished to know from the noble Lord the Secretary for the Colonies, what evidence satisfied, or ought to satisfy, our colonial Government in Canada, as to the accuracy of any statement made with respect to the alleged conviction of criminals claimed to be given up to the United States. Whether any certificate from the British Consul in the United States, as to the conviction of the person claimed, was necessary in order to his being given up? And whether it was intended, in any treaty with the United States, to insist on the principle that any individual on touching the soil of England became consequently free? The Government had in case of the Creole acted on that principle, and upheld it in a manner that entitled them to general admiration. He wished to know whether it was intended that that principle should enter into any general arrangement or regulation between this country and the United States?

Lord *Stanley* said, though the hon. Baronet had given him notice that he would ask a question, still he was not aware of what the precise nature of that question would be. As regarded the last question, the hon. Baronet must perceive that it was a subject of so much delicacy, and particularly in the present position of the proceedings between this country and the United States, where a very strong feeling prevailed on the point, that he must decline giving an answer. As to the first question, which related to the giving up of individuals who, having taken refuge in Canada, were claimed by the United States, that did not depend on the terms of any treaty. There was a law in Canada by which the Governor, with the advice of his Council, was authorized to surrender them. The hon. Member for Lambeth (Mr. Hawes) had moved for a copy of that act, which would be laid on the Table. He believed that in these cases the Executive must be satisfied that the demand was regularly made by the constituted authorities, and it must be stated on oath that the individual had been residing in the United States, to justify his being given up.

AMENDMENT OF THE POOR LAW.] Sir *J. Graham* said, in moving the Order of the Day, for the House resolving itself into a committee on the Poor-law Amendment Bill, the House would permit him to call their attention to the position of the Bill, and to the course which Government intended to pursue with reference to it. After long and mature discussion, the House had assented to the adoption of the first clause—that clause which continued the commission for five years; and to which he, on the part of the Government, attached very great importance. The four next clauses, which related to the number of assistant-commissioners to be employed, which limited the powers of the commission as to the issue of general rules, which regulated the time of the operation of rules and orders in cases of emergency, and which provided for the transmission of the commissioners' rules, it was intended to proceed with. But it was not the intention of her Majesty's Government in the present Session to press the following clause, which related to the abolition of the Gilbert Unions, nor that which had reference to the formation of districts for the purposes of education. After the promise which he had made to the House, that he would not press for their consent to the whole measure at so late a period of the Session, and when so many Members had left and were leaving town, he did not think it proper to proceed further. He, however, gave the House the most positive assurance on the part of her Majesty's Government, that they would reconsider the various enactments and details contained in the Bill, and at a very early period in the next Session of Parliament they would bring forward a measure on this subject, modified and improved in such a manner as further consideration and inquiry might suggest, and with such new provisions as anxious deliberation might point out to be necessary. There were, however, two or three clauses in this Bill, which, from the urgency of the matters to which they related, it would be necessary to press on the consideration of the House. One of those was the 23rd clause, which related to the power of the guardians in reference to the casual poor received into the workhouse. At the present moment the workhouse in these cases was used as a sort of hostelry, or house of call, where the casual poor were lodged for one or two nights, and received one or two meals, and a practice had arisen amongst the people thus relieved of destroying the furniture, breaking the windows, and even of destroying their own clothes. This practice rendered it necessary either to supply them with new clothing, or to detain them longer in the workhouse. To remedy this evil, the 23rd clause enacted that this offence should be deemed a misdemeanour, under the 5th George 4th, c. 83. There were other clauses which it would be necessary to consider One related to the right of *ex officio* guardians to act as magistrates within the limits of the union with which they were connected. There were three or four other clauses containing matters of regulation, which, with the permission of the House, he meant to carry through. But those clauses which had reference to the abolition of the Gilbert Unions, to the formation of district unions for the purposes of education, and to an improved system of auditing the accounts, inasmuch as these clauses required a great deal of consideration, and considering the late period of the Session, it would, he felt, be inexpedient to urge them on. He should, at the proper time, state to the House the nature of those clauses which he wished to press on their consideration, and which he hoped the House would be disposed to adopt. The hon. Member for Rochdale (Mr. S. Crawford) had given notice of his intention to move an instruction on going into committee. He doubted whether it was competent to the hon. Member, consistently with the forms of the House, to move such an instruction, because it involved the repeal of one or two of the enactments of the Irish Poor-law Bill. That bill provided, by a distinct regulation, that no relief, under any circumstances, should be given to the poor in Ireland out of the workhouse. The hon. Member wished to repeal that provision, and to introduce a provision giving a power to the guardians to grant relief out of the workhouse. He hoped the hon. Gentleman would not think that it was from any want of attention to the subject on the part of her Majesty's Government, if they declined to accede to that proposition and were determined to resist it. The hon. Member for Oldham (Mr. Fielding) had also a notice of motion for instruction to the committee. He should not make any observation on it, because he felt that it would be inconsistent with his duty to enter into a discussion on abstract points. If, however, the hon. Member should persist in his motion, he hoped the House would support him in opposing it.

Order of the Day read.

Mr. *S. Crawford:* Would take that opportunity to protest against the powers granted to the Poor Law commissioners in Ireland. As that point was connected with the Poor Law system in this country, he respectfully claimed the attention of the House while he adverted to the subject. He knew that there was an unwillingness in the House to listen to Irish questions; but this question of the Irish Poor-law had an interest also for England, and therefore he trusted that they would not refuse bestowing their attention on it. He wished, in the first place, to point out the essential difference which existed between the English and the Irish Poor-law. The difference consisted in this,—that the English Poor-law, though it did not positively allow out-door relief, yet left to the commissioners a discretionary power to grant it; but the Irish Poor-law did not give power to the Irish commissioners to give any relief whatsoever out of the doors of the workhouse. Neither guardians, nor overseers, nor magistrates, could afford the smallest portion of out-door relief to any poor person in Ireland. He wished that powers should be given to the commissioners to enable them to afford out-door relief in Ireland where circumstances rendered it necessary, in places where workhouses were not yet built, or where they were insufficient for the number of the poor. Surely these circumstances ought to be taken into consideration on renewing the bill. In Cork the guardians some time ago applied to the commissioners to know whether, according to the law, they might grant out-door relief? The answer was, that the law gave them no such authority. The guardians then demanded whether, if an assessment were made specially for that purpose, they might be permitted to administer the funds thus collected? The commissioners stated that they would not allow any guardian under the Poor-law to administer any out-door relief. The Poor-law commissioners, in their last report for England, admitted that the poor could not be relieved within doors; and did not the same impossibility exist in Ireland? In that country the amount of distress was appalling. In Belfast there were numbers of men out of employ, and food was wanted for many hundreds of the starving people. This state of things existed in that part of Ireland where distress had hitherto been least felt. Similar accounts had been received from the towns of Newton Ard and Bangor. In the west of Ireland the amount of suffering was enormous. Such being the case, was it not his duty to endeavour to prevail on them in some degree to relax the severity of the law? Another objection to the workhouse was the mortality that prevailed among the paupers, which was not denied by the commissioners. In all workhouses where children were admitted the mortality was very great, owing to the entire want of proper attention and treatment for them. In the south of Ireland the greatest distress existed among the labouring classes, caused by the extortion of oppressive rents and the iniquitous conduct of the landlords. It was of importance, therefore, that there should be an effectual Poor-law for Ireland, and that the poor should feel there was some consideration for them with the Parliament and the Government. The character of the English and Irish Poor-laws was the same; they were distinguished by the same harsh and oppressive features. The object of the English Poor-law was to destroy the right of the poor man to relief, the object of the Irish law was to give the semblance of relief without the reality. The income of England was 166,000,000*l.*, which was derived from the labouring poor; and surely, it was just, that out of this enormous sum, a sufficient provision should be supplied to protect them from starvation. One shilling in the pound on that sum would raise 8,300,000*l.*, a greater sum than the poor-rates reached. It was not prudent to refuse out-door relief in England under existing circumstances, and he maintained, that if it was not just in England, it was not just in Ireland. He saw no reason why the commissioners should not have a discretionary power to give out-door relief, and he should, therefore, move:—

> "That it be an instruction to the committee that they have power to make provision that the commissioners may order relief to be administered to the poor in Ireland, on the terms of the out-door labour test."

The House divided:—Ayes 11; Noes 113: Majority 102.

List of the AYES.

Aglionby, H. A.
Aldam, W.
Bryan, G.
Callaghan, D.
Colvile, C. R.
Duncombe, T.
Johnson, Gen.
Muntz, G. F.
Napier, Sir C.
Pechell, Capt.
Scholefield, J.

TELLERS.

Crawford, W. S.
Fielden, J.

List of the NOES.

Acland, Sir T. D.
A'Court, Capt.
Allix, J. P.
Arkwright, G.
Bailey, J.
Baillie, H. J.
Balfour, J. M.
Barnard, E. G.
Barrington, Visct.
Baskerville, T. B. M.
Bateson, R.
Berkeley, hon. Capt.
Broadley, H.
Brocklehurst, J.
Brotherton, J.
Buckley, E.
Burroughes, H. N.
Busfeild, W.
Chelsea, Visct.
Childers, J. W.
Clive, E. B.
Colebrooke, Sir T. E.
Compton, H. C.
Cripps, W.
Denison, E. B.
Dennistoun, J.
Douglas, Sir H.
Duffield, T.
Easthope, Sir J.
Ellice, rt. hon. E.
Eliot, Lord
Estcourt, T. G. B.
Feilden, W.
Flower, Sir J.
Follett, Sir W. W.
Forbes, W.
Fuller, A. E.
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Gordon, Lord F.
Goring, C.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greene, T.
Gregory, W. H.
Grey, rt. hon. Sir G.
Grogan, E.
Hamilton, W. J.
Hamilton, Lord C.
Harcourt, G. G.
Hayes, Sir E.
Heneage, G. H. W.
Henley, J. W.
Hill, Lord M.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Hope, hon. C.
Howick, Visct.
Hughes, W. B.
Hutt, W.
Jackson, J. D.
Jermyn, Earl
Jolliffe, Sir W. G. H.
Jones, Capt.
Kemble, H.
Knatchbull, rt. hn. Sir E.
Lambton, H.
Lascelles, hon. W. S.
Lefroy, A.
Legh, G. C.
Lemon, Sir C.
Lincoln, Earl of
Lindsay, H. H.
Litton, E.
Mackenzie, T.
McGeachy, F. A.
Manners, Lord C. S.
Masterman, J.
Meynell, Capt.
Mitchell, T. A.
Norreys, Lord
Northland, Visct.
Packe, C. W.
Paget, Col.
Pakington, J. S.
Palmer, G.
Palmerston, Visct
Peel, rt. hon. Sir R.
Philips, M.
Praed, W. T.
Pulsford, R.
Repton, G. W. J.
Rolleston, Col.
Rushbrooke, Col.
Sheppard, T.
Standish, C.
Stanley, Lord
Stansfield, W. R. C.
Stuart, H.
Sturt, H. C.
Taylor, T. E.
Trevor, hon. G. R.
Trollope, Sir J.
Trotter, J.
Vere, Sir C. B,
Wall, C. B.
Wawn, J. T.
Wilshere, W.
Wodehouse, E.
Wood, Col.
Wood, Col. T.
Wrightson, W. B.

TELLERS.

Douglas, Sir C. E.
Sutton, hon. H. M.

On the question, that the Speaker do now leave the Chair,

Mr. *J. Fielden* rose to move resolutions of which he had given notice, and he hoped the House would see it reasonable to postpone the consideration of the bill before the House, until his propositions were fully answered. He found, by looking to the report of the commissioners of inquiry, dated 20th of February, 1834, that the commissioners had announced that they anticipated that the effect of such a law as was subsequently passed, and had now been in force nearly eight years, would be to cause a rise of wages, an increase of content of the labouring people, and a diminution of crime; and he thought it would be in the recollection of every one, who was in 1834 a Member of that House, and of a large part of the country, that Lord Althorp, on bringing in the Poor-law of that year, had stated his firm belief and confidence, that in a very short time after the relief then afforded to able-bodied labourers, according to the number of their families, was wholly withdrawn, the wages of those men would rise to such an extent as to give them an equivalent; that was, that they would receive, in a short time after parish assistance should be discontinued, as much in wages as they had been accustomed to receive in wages and relief put together. The words of Lord Althorp were:—

> "He thought no man could doubt but that the change in the system would be advantageous to the labourers themselves. It was possible it might appear to some hon. Gentlemen, that the agricultural labourer having at present an addition from the parochial funds to the amount of wages paid by his employer (that addition being regulated according to the number of his family), the effect of taking away that assistance would make it impossible for him to maintain himself and family. He (Lord Althorp) did not think such would be the case, for he believed, nay, he felt confident, that as the labourer regarded the parochial assistance now added to the wages he received from his employer, as making the total wages to which he was entitled for his industry, a very short time would elapse after the removal of that assistance before wages would rise to an equivalent amount; and as soon as that was the case, the situation in which the labourer would be placed would be infinitely preferable to that in which he at present stood."

The noble Lord was supposed to be so thoroughly conversant with all matters connected with agricultural pursuits and rural economy, that many Gentlemen were inclined at that time to defer to his judgment, and he believed, that if it had not been for the manner in which Lord Althorp urged the passage of that measure, and the unqualified manner in which he prophecied its success, it would never have passed that House. He had selected the words of the commissioners who recommended the law to the Government, and the words of the Minister who brought it before Parliament, both parties concurring in the statement that such a law would lead to certain specific effects. No man could deny, that if it did raise wages, increase content, and diminish crime, it would be a good measure; but his opinion was, and always had been, that it could have no such effect, but an effect exactly the opposite. The law had been in force nearly eight years, and from every thing he had heard, and read, and seen of its operation, he was convinced that wages had not risen, but relief had been withdrawn, that discontent amongst the labouring people had much increased instead of having diminished, and need we do more than read the charges to grand juries, delivered by judges and by chairmen of quarter sessions, and examine the yearly statistical details, to be convinced that crime had increased also, instead of having diminished? If his belief were correct, then the act had wholly failed, and it was idle, nay, wicked, to proceed with a bill for its continuance and extension; if, on the other hand, he was in error, he should like a Member of the Government, to get up in his place and tell him so. He should like the right hon. Baronet, the Home Secretary, or the Prime Minister himself to rise in his place and say whether or not he conscientiously believed that the effects promised by the commissioners had been realised, and that the rise in wages anticipated by Lord Althorp, had really and practically taken place. If neither of those right hon. Baronets could do so, he thought they were bound to delay the measure now before the House, until an inquiry could be made into the matter. The hon. Member concluded by moving the following resolutions:—

> "That a 'rise of wages,' and 'increased content of the labourers and diminution of crime,' were two of the specific effects which the report of the commission, dated the 20th day of February, 1834, stated would follow the application of their principle of administering relief to the indigent by the agency of a Central Board of Control. That this bill be proceeded with no further, until it be ascertained by inquiry of this House, that there have been, since the Poor-law Amendment Act came into operation, a rise of the wages of labour, increased contentment among the labouring people, and a diminution of crime; and also, that if a rise in the rate of wages have taken place, it has been to such an extent as to give the able-bodied labouring man, with a wife and family, an equivalent for the parochial assistance afforded to him before the passing of that act. That it is desirable that such inquiry should be satisfactory and

conclusive, and that it should command the confidence of the country, and that, therefore, none but labourers and employers be examined."

General *Johnson* seconded the motion. He denied that the New Poor-law had had the effect of raising the rate of wages, and those Gentlemen who entertained a different opinion on this point were bound to agree to the proposal for inquiry. If the Poor-law commission had been continued for one year only, an investigation could very properly have been instituted at the commencement of next Session. But the important clause, and worst clause of the bill, continuing the commission for six years, had been passed, and he thought it a proof that the law was bad when it was necessary to invest this commission with unconstitutional authority. He hoped that some inquiry would now take place before the beginning of the next Session into the working of the law altogether. He believed that the expenditure for the poor had increased under its operation in many parts of the country, and that the labourers were worse off, being more in the hands of their employers. As for the assistant-commissioners, he believed they were of no use, but only an expense to the country.

Mr. *Grimsditch* agreed with the hon. Member in thinking that the worst part of the bill had passed—namely, that part which continued the commission for six years; but he did not see, as the House was now placed, how any alteration could be made at the present stage of the bill in the term agreed to. He was strongly of opinion that the continuing the commission for six years was most unwise on the part of the Government; and he was quite sure that it would have a tendency to shake that public confidence which was reposed in the Government prior to the discussion of the present bill. Still, as he thought it impossible to enter into an inquiry at this period of the Session, he would advise the hon. Member for Oldham not to press his motion to a division. Recollecting that the right hon. Baronet (Sir James Graham) had promised to bring in a bill at the commencement of next Session for the purpose of meeting such objections to the present law as he conceived worthy of consideration, he trusted that the House would not neglect that opportunity of mitigating the severity of those provisions which emanated from the commissioners at Somerset-house. There was no doubt that the unions in every part of the country were of a most inconvenient size; and the commission, with its centralizing power, had created universal disgust and caused the Government itself to be distrusted.

Mr. *Aglionby* was of opinion that no practical good would result from the present motion, and should regret to see it pressed to a division. His objection to the first clause, continuing the commission for so long a period, remained as strong as ever, and he thought it unwise to fix the duration of the commission without previously deciding what jurisdiction it should possess. But what would be the result of coming to a division on the present motion? He assumed that the hon. Member for Oldham desired that the commission should be destroyed at once. He could not agree in such a proposition; for, in order to avoid confusion in the country, and distress to the poor themselves, he would have the commission continued for a time; and he should have been well satisfied if the Government had brought in a bill, at that late period of the Session, to continue the commission for one year, leaving it to Parliament to deliberate fully on the whole subject, at the earliest period next Session, and to come to that conclusion which the justice of the case demanded. He thought it high time that there should be a calm and deliberate inquiry, by a committee of the House, to ascertain how the Poor-law had operated, and, taking it as a whole, he believed it would be found to have acted beneficially for the poor themselves. He hoped the present motion would not be pressed to a division, and he should be happy to give the hon. Member for Oldham his support in endeavouring to limit the duration of the commission, on the bringing up of the report, or on the third reading.

Mr. *Escott* concurred in many of the statements made by the hon. Member for Oldham; but he put it to him whether, after the House had twice decided to prolong the duration of the commission, it would not now be better to see what practicable amendments could be made in the bill. He suggested to the hon. Member to reserve the opposition he now offered to this measure, until his proposition respecting out-door relief came under the consideration of the House. If that motion should be carried, on bringing up the report, he believed the commission would be inoperative for evil, and more operative for good than before.

Sir *J. Graham* said, that, believing the hon. Member for Oldham to be actuated by the most humane motives, he did not think it consistent with his duty to remain altogether silent on the present question. The hon. Member had asked him, whether he really believed the New Poor-law had had a beneficial operation with regard to the wages of the working classes? He concurred with the hon. Member's Colleague, who said that it had rendered the workman more dependent on his employer. It had done so; and had thereby, particularly in agricultural districts, rendered him independent of the overseers. He was quite satisfied that the effect of this measure generally had been, in the rural districts, to emancipate the working classes from confinement in the workhouses. With respect to the observations of the hon. Member for Cockermouth, he must say, that the powers to be exercised by the commission were those with which it was invested by the very act to which the hon. Member for Oldham had referred, and which was introduced by Lord Althorp. The only question for the House to determine now was, whether there should be a commission or not? The hon. Member for Cockermouth said, he wished to have a calm and deliberate inquiry on the subject. There had been several inquiries, but he was afraid that they were not altogether calm and deliberate. There had been long inquiries, and he had served on three committees, and there had been reports, respecting the working of the law, laid on the Table. It was not inquiry that was wanted; and the Members of that House were as competent as any persons to judge of the practicable operation of this measure. He thought, upon the whole, that the new law, at least in the rural districts, had operated most favourably, both on the rate of wages and the condition of the labourers.

House divided on the question that the words proposed to be left out stand part of the question:— Ayes 125; Noes 8: Majority 117.

List of the NOES.

Cobden, R.
Crawford, W. S.
D'Israeli, B.
Duncombe, T.
Hollond, R.
Pechell, Capt.
Williams, W.
Yorke, H. R.

TELLERS.
Johnson, Gen.
Fielden, J.

House in committee.

On clause 2, professional persons, not being assistant-commissioners may be appointed to make special inquiries, as assistant-commissioners,

Mr. *T. Duncombe* said, he thought it would be advisable to allow those persons who might be summoned before those new tribunals, to appear by their counsel, agents, or attornies, and he should, therefore move a proviso to that effect.

Sir *J. Graham* said, the hon. Gentleman had given him no notice of his intention to make this motion, and the hurried consideration which he could give to it made it somewhat difficult for him to pronounce an opinion upon it. The provision at the end of the clause was intended to remedy that which was complained of as a serious evil. If he remembered rightly, an inquiry had been instituted in the northern part of the county of Devon, by the assistant Poor-law commissioners, which did not give satisfaction. With regard also to the Sevenoaks workhouse, the conduct of an assistant Poor-law commissioner was impugned, and the inquiry which was conducted by other assistant Poor-law commissioners was much commented on, and dissatisfaction was expressed in that case. The clause, as it stood, was to remedy that evil, by allowing the Poor-law commissioners to send down persons competent to conduct the inquiry, conversant with the taking of evidence, and who were not interested in the case, or aware of the bygone circumstances. The power of those special delegations was limited to thirty days, and the check upon it was in the Secretary of State, and the object of the clause being what he had stated, he must say, that as he was at present advised, he saw no objection to the proviso moved by the hon. Gentleman. He thought it quite possible, that the investigation would be more fair, complete, and satisfactory, if the parties interested in the result were allowed to appear by their agent or attorney, but then the costs should be borne by the parties requiring such assistance, and not be thrown on the poor-rates.

Mr. *Darby* said, the proviso of the hon. Gentleman applied only to the persons who were to be specially appointed under the said clause, and not to the commissioners or assistant-commissioners, but he thought the protection ought to extend to all.

Sir *J. Graham* said, he should certainly object to all parties at all times being allowed to appear by their counsel or agents before the commissioners, or assistant Poor-law commissioners. The power should only be given in cases of special investigation.

Mr. *Aglionby* thought the inquiries had better always be open, as this would tend to produce more of public confidence in them; and it would be, in his opinion, exceedingly injurious to allow the assistant-commissioners or their representatives to close the doors at their pleasure.

Mr. *Escott* cordially concurred in deprecating any secret inquiries into the operation of the Poor-law; and his opinion was, that the power of making them so at pleasure would produce great suspicion and dissatisfactton. There was, however, another and a far more important point, which did not seem to have been borne in mind during this discussion—and that was the authority from which the appointment of these special commissioners of inquiry was to emanate. Here, in fact, lay the whole matter. It was opposed to every principle of common sense, as it was palpably at variance with the plainest dictates of justice, that parties whose conduct was complained of should virtually conduct the inquiry. Yet, was not this really the case here? For would not the inquiries in effect and in truth be into the operation of the Poor-law, under the administration of the central commissioners, who themselves were to have the selection (it should seem) of those by whom the inquiries were conducted? Really, this appeared one of those cases in which argument was useless, and simple reason was conclusive. He felt warmly on this point, from a sincere conviction, that had this been otherwise, there would have been far less of odium cast upon the commissioners themselves, and far less of injury to the poor; and not less firm was his persuasion, that if now altered in this respect, the law would work with more of public confidence, and infinitely less of public mischief.

Sir *J. Graham* acknowledged, that this argument would be conclusive, were it contemplated that these inquiries should embrace the general administration of the central commissioners; but the clause referred only to local abuses charged against the assistant-commissioners, and as to which the central commissioners required special means of information.

Viscount *Sandon* said, that though technically and strictly his right hon. Friend might here be correct, yet the commissioners themselves did not consider it in the same light, and practically the inquiries of assistant-commissioners were always conducted with an evident anxiety to avoid any imputation on the Poor-law, as if the conduct of individuals necessarily involved the policy of the law. The point invariably pressed by these authorities most strenuously was, that the persons calling for the inquiry were not only opposed, but unfairly opposed, to the act; and all their energies were bent towards neutralizing the evidence adduced in support of the complaint. Now, if the inquiries were conducted by Gentlemen sent from the Home Secretary, there would be no anxiety and effort to make out a "case" for the New Poor-law; but the sole desire would be to elicit the truth satisfactorily and impartially. Had this been the case in the Bridgewater inquiry, there would not have been such cause for public discontent. Nothing was more important in regard to public feeling towards the law than this question.

Mr. *R. Yorke* observed, that the conduct of the commissioners themselves would, in these cases, be the subject of inquiry; it was the same as setting a thief to sit in judgment upon his own accomplice.

Mr. *Aglionby* would leave it to the commissioners to judge whether there ought to be an inquiry or not, but he thought the Secretary of State ought to appoint those by whom the inquiry was to be carried on. If the supreme power in these matters were vested in the Secretary of State, such an arrangement would, he thought, have the effect of greatly lessening the jealousy which would otherwise be felt. The danger was, that the public would be too apt to regard the whole as an *ex parte* proceeding—it would be impossible, he thought, to keep people from apprehending that the commissioners would lean towards the assistant commissioners with too favourable a bias. An appointment by the Secretary of State of those who were to conduct inquiries would not at all lessen the power of the commissioners, and would greatly tend to inspire the minds of the people with confidence in the whole system.

Sir *J. Graham* said, that the original enactment gave to the commissioners supreme power in the administration of the Poor-law. The commissioners were certainly removable by the Executive Government, but that formed the only check upon their conduct. Now, the assistant-commissioners were the servants of the commission, and they should not look up to any other power; it was, therefore, that he desired to keep the enactment as it now stood. He would suppose that, in a particular case, persons were delegated by the Executive Government to carry out a certain inquiry against the wish of the commissioners, and he would further suppose that their report proved unfavourable to the assistant-commissioners, it would then be necessary to alter the whole of the act; for, however adverse the report might be, no assistant-commissioner could be removed without the authority of the commission; he hoped, therefore, the House would pause, before they touched a clause which so materially affected the moving power of the whole measure. If the commissioners were fit for the office to which they were appointed, he thought that they ought to be treated with a liberal confidence; if they were not entitled to confidence they ought to be removed. The object of the bill was, that the Executive Government should not be responsible for carrying out the act, but merely responsible for the appointment or removal of the commissioners themselves.

Mr. *Aglionby* did not want to interfere with the supreme power of the commissioners; all he desired was, that investigations should be placed above all suspicion.

Mr. *B. Wood* thought, that some power ought to be given to the guardians, for the purpose of enabling them to promote inquiries into the conduct of assistant-commissioners.

Mr. *Darby* felt satisfied, that if the appointment of persons to institute investigations were left to the Secretary of State, he would consult the wishes of the commissioners in each instance, and they would, after all, possess the patronage. He considered the present clause a great improvement.

Sir *R. Peel* doubted not that his hon. Friend was actuated by conscientious motives, but the course which he took afforded but small encouragement to any Ministry to introduce relaxations of the law. His right hon. Friend had proposed, that other persons than the assistant-commissioners should be appointed to make special inquiries, upon which the hon. Gentleman rose and said, he would rather have no clause at all than one of that nature. Such was the encouragement which the Government had to make concessions, that sundry amendments were proposed, which were inconsistent with the principle of the bill. The proviso proposed, that persons should be appointed to make inquiries who had no connexion with the commission. In the first place, whenever they saw fit, or were required by the Secretary of State, the commissioners were to appoint such persons to conduct the inquiry. The authority of the commissioners was supreme over that of the assistant-commissioners, and being called upon to exercise it they would proceed to nominate a doctor of medicine, or a surveyor, or a barrister, persons having professional qualifications for the performance of the services required of them. The authority rested, then, with the commissioners, but the Secretary of State for the Home Department must give his sanction; he had a *veto*, as his noble Friend, the Member for Liverpool had expressed it. His hon. Friend had spoken of the invidiousness of the Secretary of State appointing special commissioners; but there was no doubt that such appointments would be the subject of communication between the Secretary of State and the Poor-law commissioners. It would certainly not be wise to get up two conflicting authorities; the Secretary of State and the commissioners ought to act in harmony. It appeared to him that the clause as it stood was good, because it gave a security against abuse; and he hoped the House would affirm the proposition as originally made by his right hon. Friend, in deference to what, he thought, was the general feeling of the House and of those who were opposed to the bill, He trusted that the hon. Gentleman would abandon his proposition, and not take a course which would tend to discourage relaxations of the law in reference to those matters which had come under consideration.

The committee divided on the question, that the clause stand part of the bill:— Ayes 59; Noes 9: Majority 50.

List of the NOES.

Brocklehurst, J.	Crawford, W. S.
Buckley, E.	Fielden, J.

Johnson, Gen.
O'Brien, J.
Richards, R.
Scholefield, J.
Williams, W.

TELLERS.
Grimsditch, T.
Pechell, Capt.

Clause agreed to.

Clause 3 agreed to.

Clause 4 to 22 inclusive, postponed.

On clause 23, that "guardians, &c., may set occasional poor to work."

Mr. *R. Yorke* proposed, that the words in the clause "subject always to the powers of the Poor-law commissioners," should be omitted from the clause.

Mr. *S. Crawford* said, that he objected to the whole of the clause under the consideration of the House. It was a most tyrannical clause, and vested in the guardians' powers, which they ought not to possess. If a man went even for one night into the union workhouse, he was obliged to allow his hair to be cut off close to his head. Such a case had happened. So strong was his objection to the tyrannical powers vested in the guardians by this clause, that he was determined to take the sense of the House on the subject.

The committee divided on the question, that the clause stand part of the bill;—Ayes 84; Noes 8: Majority 76.

List of the NOES.

Broadwood, H.
Brotherton, J.
Hodgson, F.
Johnson, Gen.[1]
Pechell, Capt.
Richards, R.
Scholefield, J.
Williams, W.

TELLERS.
Crawford, S.
Fielden, J.

Clause to stand part of the bill.

The rest of the clauses were rejected or agreed to with amendments.

Mr. *Darby* moved the bringing up of a clause prohibiting the Poor-law commissioners from interfering with local Poor-law administration, except with the consent of two-thirds of the board of guardians under the local act.

Clause brought up and read a first time. On the motion that it be read a second time,

Sir *J. Graham* opposed the motion. Government had determined, considering the state of public business, and the advanced period of the Session, to introduce no provisions which would have the effect of introducing any important alterations into the spirit of the bill. The clause of his hon. Friend, however, was quite at variance with the existing law, and it was a mistake to suppose that the original intention of the Poor-law Act was not that its provisions should be general. Through the operation of the proposed clause, upwards of 1,200,000 persons would be withdrawn from what he considered the salutary control of the Poor-law commission.

Captain *Pechell* supported the clause. He deprecated interference with boards under local acts, and referred to previous debates, with the view of proving that the House had affirmed this principle of non-interference.

Mr. *T. Duncombe* thought that if Government objected to giving independent powers to local boards, that they should repeal their local acts altogether. Government, however, had no right, according to the original understanding, to sweep away these local acts, which were in many instances obtained at a great expense. He should strenuously support the clause.

The House divided on the question that the clause be read a second time:—Ayes, 42; Noes, 91: Majority, 49.

List of the AYES.

Aldam, W.
Archdall, Capt.
Baskerville, T. B. M.
Beckett, W.
Borthwick, P.
Bowring, Dr.
Buckley, E.
Burrell, Sir C. M.
Burroughes, H. N.
Chute, W. L. W.
Colvile, C. R.
Crawford, W. S.
Denison, E. B.
Dodd, G.
Duncombe, T.
Escott, B.
Farnham, E. B.
Fitzroy, hon. H.
Fuller, A. E.
Gill, T.
Goring, C.
Grimsditch, T.
Grimston, Visct.
Halford, H.
Henley, J. W.
Hervey, Lord A.
Hodgson, R.
Hornby, J.
Johnson, Gen.
Langston, J. H.
Masterman, J.
Morris, D.
Newry, Visct.
Richards, R.
Rolleston, Col.
Rushbrooke, Col.
Scholefield, J.
Sibthorp, Col.
Taylor, J. A.
Tufnell, H.
Wodehouse, E.
Yorke, H. R.

TELLERS.
Darby, G.
Pechell, Capt.

List of the NOES.

Acland, Sir T. D.
A'Court, Capt.
Aglionby, H. A.
Antrobus, E
Balfour, J. M.
Baring, hon. W. B.
Blackburne, J. I.
Boldero, H. G.
Bramston, T. W.
Brotherton, J.
Bruce, Lord E.
Cavendish, hon. G. H.
Childers, J. W.
Clayton, R. R.
Clive, hon. R. H.
Colborne, hn. W. N. R.
Courtenay, Lord
Cripps, W.
Damer, hon. Col.
Douglas, Sir C. E.
Dugdale, W. S.
Duncan, G.

Eliot, Lord
Estcourt, T. G. B.
Fitzmaurice, hon. W.
Forbes, W.
Forster, M.
Gaskell, J. M.
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Goulbourn, rt. hn. H.
Graham, rt. hn. Sir J.
Hale, R. B.
Hamilton, W. J.
Heneage, G. H. W.
Herbert, hon. S.
Hobhouse, rt. hn. Sir J.
Howard, P. H.
Hughes, W. B.
Hume, J.
Hutt, W.
Jolliffe, Sir W. G. H.
Jones, Capt.
Knatchbull, rt. hn. Sir E.
Lambton, H.
Legh, G. C.
Lincoln, Earl of
Lockhart, W.
Mackenzie, T.
Mackenzie, W. F.
M'Geachy, F A.
March, Earl of
Morgan, O.
Neville, R.
Newport, Visct.
Nicholl, right hon. J.
Norreys, Lord
Norreys, Sir D. J.
Northland, Visct.
Packe, C. W.
Pakington, J. S.
Patten, J. W.
Pemberton, T.
Philips, M.
Plumptre, J. P.
Praed, W. T.
Pringle, A.
Rice, E. R.
Rose, rt. hon. Sir G.
Rous, hon. Capt.
Rundle, J.
Russell, J. D. W.
Seymour, Sir H. B.
Sheppard, T.
Somerset, Lord G.
Stanley, Lord
Stansfield, W. R. C.
Stuart, H.
Sutton, hon. H. M.
Tancred, H. W.
Thorneley, T.
Tollemache, J.
Trollope, Sir J.
Tyrell, Sir J. T.
Vesey, hon. T.
Waddington, H. S.
Ward, H. G.
Wawn, J. T.
Wood, B.
Wood, G. W.
Young, J.

TELLERS.

Clerk, Sir G.
Baring, H.

House resumed. Bill to be reported.

SOUTH AUSTRALIA.] House in Committee on the South Australia Bill.

Mr. *Hume* expressed his strong disapprobation of the manner in which the colony had been governed from the time of Lord Glenelg downwards. He accused Colonel Gawler of extravagance, and the Colonial Ministers of mismanagement and carelessness. They had all acted wrongly, and yet none of them would bear the responsibility of their misdoings. The colony had been involved in the greatest distress, and its credit had altogether gone. Money had not been borrowed when it might have been lent with safety, and now a loan had been asked for and granted at a time and in a manner the most unsuitable, unfair, and inexpedient. What he proposed was, that the colony should still be held liable for the money which had been given to it; and he would, therefore, move that the clause relieving it from its liabilities be omitted.

Lord *Stanley* said, that it was no part of his duty to defend the conduct of those who had preceded him in office, and to whom the mismanagement of the colony must be attributed, but he could not go the length to which the hon. Gentleman had gone, either in his attack upon Lord J. Russell the other night, or upon Lord Glenelg to-night. He thought the mismanagement of the colony was to be attributed, not to one Colonial Minister or to another, but to the House of Commons and to Parliament. But the question now really was, how could that mismanagement be altered, and its evil consequences to some extent remedied? As to Colonel Gawler, he confessed that he had not exactly pursued the course which he should have recommended. His conduct had perhaps fairly exposed him to the charge of extravagance; but that very conduct, that free expenditure of money, had caused his popularity in the colony. But yet it certainly was one of the evils against which they had now to contend. With respect to the omission of the clause as proposed by the hon. Member, he did not think it would answer the purpose for which it was intended. He believed that to make the colony liable in case of any surplus revenue accruing at a future period would be a mode of proceeding calculated to extinguish the energies of the colonists.

The committee divided on the question that the clause stand part of the bill. Ayes, 73; Noes, 10: Majority, 63.

List of the AYES.

A'Court, Capt.
Ainsworth, P.
Baldwin, B.
Bankes, G.
Baring, hon. W. B.
Bateson, R.
Blackburne, J. I.
Boldero, H. G.
Bramston, T. W.
Broadley, H.
Bruce, Lord E.
Buckley, E.
Cardwell, E.
Cavendish, hon. G. H.
Chute, W. L. W.
Clerk, Sir G.
Colvile, C. R.
Cripps, W.
Damer, hon. Col.
Denison, E. B.
Douglas, Sir C. E.
Dugdale, W. S.
Duncombe, T.
Eliot, Lord
Farnham, E. B.
Ferguson, Sir R. A.
Fitzmaurice, hon. W.
Fuller, A. E.
Gaskell, J. M.
Gill, T.
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Grimsditch, T.
Grogan, E.
Hamilton, W. J.
Henley, J. W.
Herbert, hon. S.
Hodgson, R.
Hornby, J.
Hughes, W. B.
Hussey, T.
Hutt, W.
Jermyn, Earl
Jones, Capt.
Knatchbull, rt. hn. Sir E.
Legh, G. C.
Lincoln, Earl of
Lockhart, W.
Mackenzie, W. F.
March, Earl of

Masterman, J.
Neville, R.
Nicholl, rt. hon. J.
Patten, J. W.
Philips, M.
Rashleigh, W.
Rice, E. R.
Rose, rt. hon. Sir G.
Rous, hon. Capt.
Rundle, J.
Rushbrooke, Col.
Russell, J. D. W.
Sibthorp, Col.
Stanley, Lord
Stuart, H.
Sutton, hon. H. M.
Taylor, J. A.
Tollemache, J.
Vesey, hon. T.
Ward, H. G.
Young, J.

TELLERS.

Pringle, A.
Baring, H.

List of the AYES.

Aglionby, H. A.
Bowring, Dr.
Brotherton, J.
Cobden, R.
Crawford, W. S.
Gibson, T. M.
Morris, D.
Scholefield, J.
Thornely, T.
Wawn, J. T.

TELLERS.

Hume, J.
Wood, B.

Clause agreed to.

Bill passed through the committee.

House resumed. Report to be received.

CORONERS OF WARWICK.] Sir *C. Douglas* moved the second reading of the Coroners, &c. (Warwick and Lancaster) Bill.

Mr. *Aglionby* said, unlesssome adjournment of the debate took place, he should move that the Bill be read a second time that day six months.

Debate adjourned.

House adjourned at two o'clock.

HOUSE OF COMMONS,

Wednesday, July 20, 1842.

MINUTES.] BILLS. *Public.*—1°. Joint Stock Banking Companies.

2°. Common Law Courts (Ireland); Game Certificates (Ireland); Bonded Corn (No. 2).

Reported.—Fisheries (Ireland).

3°. and passed:—Wide Streets (Dublin); Prisons; Election Petitions Trial.

Private.—2°. Cauvin's Estate.

PETITIONS PRESENTED. By Mr. Corry, from Waterford, and Omagh, against the Tobacco Regulations Bill.—From Landowners and others attending Hadleigh Market, against Bonded Corn (No. 2) Bill.—From the Grand Jury of Carnarvon, for the repeal of the Act uniting the Dioceses of St. Asaph and Bangor.—By Mr. Hughes, from the Diocese of St. Asaph, against St. Asaph and Bangor Cathedrals Bill.—By Mr. Hardy, and Mr. C. Morgan, from Bradford, Geadon, Halifax, Skircoat, and Newport Unions, against the Poor-law Amendment Bill.—By Mr. S. Crawford, from Southwark, for the Redemption of the Tolls on Waterloo and the other Metropolitan Bridges.—From Macclesfield, against the Reduction of the Duty on Silk.—By Mr. Beckett, from Stanmingley, Nether Thong, Heaton, Eccleshill, Cleckheaton, and Pudsey, for Limiting the Hours of Labour of young persons in Factories.—From London, against any further Grant to Maynooth College.

RAILWAYS.] Mr. *Gladstone,* in moving that the Lords' amendments to this bill be agreed to, observed, that when the several railway acts were passed, a limitation was introduced restricting the weight of the carriages to four tons. This clause went from one bill to the other without opposition. It was, however, deemed desirable, for the security of the public, that the carriages should be of greater weight, and there was scarcely a railway in which the weight was so low as four tons. It was thought better, then, to repeal this clause, to which he did not anticipate any objection, as it was sufficiently in harmony with the object of the bill.

Lords' amendments agreed to,

POLICE REWARDS (IRELAND.] Lord *Clements* found a very large sum appropriated under the heads of police rewards and superannuation fund. One amounted to 7,045*l.*, and the other to 18,280*l.* Now, as no estimate was taken of these sums, and as part of them was provided for by a compulsory assessment on the counties, he wished to know the intentions of the Government as to their disposal.

Lord *Eliot* having had notice, he had written to Colonel Macgregor on the subject, and the answer was, that the present system of rewards had received the sanction of the late Government, and that though the scale of rewards was doubled, no person received any while in the service. Colonel Macgregor added, that if they were lessened, such a step would have the effect of chilling the zeal of the force.

MEDICAL REFORM.] In answer to a question from Mr. Stansfield,

Sir *J. Graham* said, he had that day had an interview with a deputation on the subject of the bill which had been introduced relative to the medical profession, and the result being to prove that his views were not sufficiently matured, he should postpone all further proceeding with regard to it till next Session.

BONDED CORN BILL (No. 2.)] Mr. *Gladstone* rose to move the second reading of the Bonded Corn (No. 2) Bill. He felt confident that this bill would meet with almost unanimous concurrence. Before he made any observations on its provisions, he must say a few words to explain how it came into his hands, and to render an act of justice to an hon. Gentleman who sat opposite. During the present Session, the hon. Member for Gateshead had introduced a bill similar to the present, which bill was referred to a select committee, containing many of the staunchest friends of the agricultural interest. Among the rest, the Members for Berks and Somerset, and the noble Lord, the Member for Lincoln, and his Colleague. It was in consequence of the report of that committee that the present bill was introduced. The proceedings of that committee were conducted with the greatest harmony and satisfaction; and at a very full meeting of that committee it adopted the report on which the present bill was founded. He (Mr. Gladstone) could not claim the credit of having suggested this measure; on the contrary, he had to regret, that four or five years since, he had voted against one of similar import, although that bill proposed the grinding of corn under the lock of the Crown. However, when it became his official duty to examine into the merits of the question, he soon convinced himself that the measure was perfectly safe as regarded the producing interest of this country, while on the other hand, it promised great benefit to our commerce, and augmentation to certain branches of trade. The reason why the bill now appeared under his (Mr. Gladstone's) auspices was, that it bore somewhat on the safety of the revenue, and it had therefore been considered desirable to consult the officers of customs previous to its introduction in the House; but as far as there was any credit attached to the measure, and he considered it deserving of great credit, it belonged to the hon. Member for Gateshead, who had suggested it to the House, and with excellent judgment had conducted it to its present stage; and he trusted that the hon. Member would be able to congratulate himself on its beneficial results. The bill proposed that parties should be empowered to take foreign wheat out of bond on the proviso that they substituted a calculated equivalent either in fine flour fit for exportation or in biscuit of one of the three classes used in merchant vessels. He trusted that it would thus open to our millers and biscuit-bakers a considerable trade from which they were now excluded, by enabling them to export bread and flour to various parts of the globe. There was now a considerable export of flour from other countries to Newfoundland, to Australia, to Brazil, and sometimes even to the United States; and he did not see any reason why a considerable share of that trade might not fall into the hands of the merchants and manufacturers of this country. Another point to which he wished to draw the attention of the House was, the permission contained in the bill for the manufacture of ship biscuits. The House had already almost unanimously recognised the pressing necessity that existed for lightening the burdens that pressed upon our shipping interests, and with this view a provision had been introduced into the Customs' Act for the import of salt provisions. But it was said, when that provision was under consideration, that a similar advantage should be given with respect to the other main article of ships' provision, and the measure now before the House would effect that object. Trade would be otherwise benefitted by it, as the demand for foreign corn would be considerable, and independent of the fluctuations of seasons in this country. Another advantage likely to accrue from it would be a tendency to increase the supply of corn in bond, an object so intimately affecting the sustenance of the people in seasons of scarcity that it could not be too much encouraged by the Legislature. The main objection to the bill, and one in which he had himself concurred until more strict examination had made him better acquainted with the facts, was, that the permission given would open a door for frauds on the revenue. He thought that that objection was not tenable. But it should be recollected that this country was not the first to try the experiment. Belgium and France had at this moment a similar plan in operation, and, in France particularly, a large trade was carried on without causing any dissatisfaction. It was now twelve or fourteen years since the trade had been first permitted in France, and now an annual amount of 250,000 cwt. of flour was manufactured for shipping and for export to other countries. He believed that the privilege was confined to certain ports, but if France, with her limited commerce, derived advantages from such a law, it was fairly to be inferred that a very great advantage must accrue to this country. With regard to fraud, the question was not whether some trifling fraud might not be effected under the bill; the question was, whether it was likely to be committed on so large a scale, and to be of frequent occurrence, so as to form a sufficient objection to a measure of this kind. In the first place, he believed that the persons likely to engage in this trade would not look to so disgraceful a mode of obtaining profit as fraud, but even if they did, any amount of fraud they could effect would have no serious influence on the agriculturist interest or the markets of the country. Two experienced officers in the Customs had been examined by the select committee, and had given it as their opinion, that inferior flour could not be substituted for corn taken out of bond without suspicion on the part of the Customs' officer, although he might not be able to decide to a nicety the exact amount or mode of adulteration. But, even supposing the trade to reach the amount of 100,000 qrs. of corn annually, the introduction even of that whole amount, which was not more than the two-hundredth part of the annual consumption of this country, into our markets could have no sensible effect on the immense consumption of this country. He did not mean to justify fraud, and he believed that sufficient means would be provided by this bill for its prevention; what he meant to convey was, that even if it did take place, it could have no sensible effect on our producing interests. There were two or three modifications which he proposed to introduce into this bill. First, he proposed to limit its operation to three years, in order that Parliament might have an early opportunity for re-examination, while at the same time sufficient room would be given for fairly ascertaining its effect. Secondly, he proposed that the flour made under the bill should be admitted for home consumption under the same duty as foreign flour, although, at the same time, he did not think it likely that much would be taken out in that way, as flour for exportation was generally manufactured in a way which, while making it less liable to decay, rendered it unsuitable to the home market. Thirdly, he proposed somewhat to mitigate the penalties in the bill. At present it provided a penalty of 5*l.* a quarter on corn which should be taken out of bond by the substitution of adulterated flour or inferior biscuit; but he thought that this might cause hardship in cases where the fraud had been caused by miscalculation or mistake in selecting the article, and not fraudulent intention. He proposed, therefore, to introduce words into the bill somewhat to mitigate the penalties in such cases. He trusted that, with these alterations, the bill would be likely to assist in the revival of trade, and to add to the comforts of the people. The right hon. Member concluded by moving that the bill be now read a second time.

Colonel *Rushbrooke* gave the right hon. Gentleman credit for the best intentions but entertained serious doubts as to what would be the effect of the measure upon the agricultural interest. The hon. and gallant Member read some extracts from the evidence given before the committee with the view of showing that no precautions which could be taken would afford security against fraud, and concluded by moving that the bill be read a second time that day three months.

Mr. *Trotter* said that a bill, almost precisely the same as the present, had been introduced in 1837, by Mr. Robinson, then Member for Worcester, and had been opposed by the then President of the Board of Trade, on the ground that it would be conducive to fraud. The two predecessors in office of the noble Lord who now held that appointment, had opposed the measure on the same ground, and all the right hon. Gentlemen now below him had on former occasions voted against a similar bill. For his own part, he considered that none of the objections that had formerly existed to such a measure had since been removed. He did not oppose it himself as an agricultural question, that point he would throw aside altogether; his opposition was grounded on general principles, and on his belief that frauds to a large extent must be the consequence. He most cordially seconded the amendment.

Mr. *G. Palmer* felt it to be his bounden duty to support the amendment, although no one had more strenuously endeavoured to bring that party into power, which now had introduced, he regretted to say this, amongst other measures, highly injurious, if not absolutely ruinous, to the agriculturists of this country. He referred to returns already made before the House, to show that the effect of the measures of free-trade already adopted since Mr. Huskisson's time had been to depress agriculture, until the burden of the Poor-rates had become intolerable, and also to embarrass our commerce, and turn the exchanges against this country. The plan seemed to have been borrowed from a somewhat similar project relative to foreign sugars released from bond, for the purpose of refining, and being exported to foreign countries; but the author of that project, Mr. Huskisson, found that the law could be evaded, and the bonded sugar, by means of fabricated certificates, sold by the dealers in this market. He believed the plan to have been in this instance adopted without due examination, and he trusted it was not yet too late to persuade the right hon. Baronet to retrace his steps and to abandon the bill. He assured the right hon. Baronet, that according to the present system of transacting business in the custom houses of this country nothing could be more easy than to bring cargoes of foreign biscuit into this country, and to re-export them immediately, for the mere purpose of obtaining certificates of export of so much foreign corn, which certificates would entitle those parties so exporting the foreign made buscuit to release as much foreign corn from bond as was equal to the manufactured article supposed to be composed of foreign flour released from bond in our warehouses. In this manner, the bonded grain would constantly be taken fraudulently out of the warehouses, and enter into the consumption at home, to the prejudice of our own growers, and in direct contradiction to the spirit of the existing law relative to the import of foreign grain. This process must also have the effect of influencing the returns upon which the Corn-law averages were struck; and when large portions of foreign corn were thus spuriously withdrawn from bond, the average must be very seriously depressed, to the great embarrassment and confusion of the corn market generally.

Mr. *Hutt* expressed his surprise that his hon. Friend having stated that for many years, he had been connected with the commercial and shipping interests of the country should come forward to oppose the measure. Those interests, differing as they did on other questions, were almost to a man unanimous upon this, and they acknowledged the benefit which they would gain by being allowed to purchase flour and biscuit in this country at continental prices. He would not advert to the distress of the country, nor would he excite their feelings by describing the sufferings which were endured by the people; but he was prepared to contend, that at any time, and under any circumstances, the Legislature was bound to provide, as far as possible, employment for the working classes. This measure would throw open fresh channels of industry, and would afford to the labouring population of England an advantage which had already been granted by every continental government to their people. The ships of this country—especially those that were engaged in the fishing trade—were, under the present state of things, compelled to be sent to the ports of the north of Europe to take in their supply of flour and biscuit, if they wished to obtain them at a reasonable price. The difference in the price of provisions obtained in England and those taken elsewhere had caused the reduction of the number of the fishing ships which entered into the English ports. He had not heard, and he could not conceive, any reasonable or sound objection to this measure. The alarm felt by the agriculturists was altogether unfounded. The existing prohibition injured the shipping interests, the commercial interests, and the labouring classes, and it did good to no one. He thanked the Government for producing so beneficial and so useful a measure.

Mr. *Gill* merely rose to express his dissent to the proposition laid down by the hon. Member for Essex that this measure would lead to the fraudulent introduction of foreign flour. He felt confident that no such effect would be produced by it, and he should give it his hearty support.

Viscount *Palmerston* had listened with great attention to the objections which had been urged against the bill, and they appeared to him to have been answered by anticipation in the statement of the right hon. Gentleman, whose explanation with regard to fraud was perfectly satisfactory. With regard to the objection that had been urged, namely, that the measure would give to the commercial marine good biscuits at a cheap rate, that appeared to be, instead of a sound objection, a very strong recommendation. There was one argument which, more than any other, recommended it to his support. The right hon. Gentleman had said that the bill would open new sources of commerce to this country, which would be not temporary or uncertain, but permanent and secure. He hailed that principle most cordially as coming from the particular quarter from whence it had proceeded, and only lamented that it had not been permitted to take a wider range, than the present bill afforded. But as that principle had been laid down by the right hon. Gentleman, he hoped soon to see it more extensively acknowledged.

Mr. *Darby* [*cries of* "Divide"] would not obtrude himself against the sense of the House, and would not make a speech; but this he would say, that it was most unfair in the noble Lord to enter into the general question, when the House was not disposed to allow a debate.

Mr. *Roebuck* wished to speak to the measure—["No, no!"]—aye, and he was going into the general question, too. It had been proposed by the Government, after a long discussion of the Corn-law, that there should be some minute relaxation in a part of the system. But the agricultural gentlemen had put forward a document in opposition to the right hon. Gentleman, and in their care for their interest they had put forward that which was not true, for the purpose of serving their own private interests in their peculiar position as landlords. Much had been said about fraud. What was the meaning of the word fraud? It meant that, by the provisions of the bill, means were given to introduce corn to the starving people. The fraud was a fraud upon their own improper law—nothing else. The right hon. Gentleman the Vice-President of the Board of Trade, and the right hon. Baronet at the head of the Government, were bound to do what they were doing, and they would if they dared, relax the stringency of the Corn-laws: but knowing that to be at present impossible, they had put forth this little bill as a feeler. Every person who had listened to the speech of the right hon. Gentleman must have felt that every position he took up was a backhanded blow at his own Corn-law. Let them not be misled. The right hon. Gentleman had proposed his measure, and a sham fight had been got up upon it, disgraceful to the party from which it had emanated, public justice had forced the Government to undertake this bill, which was an answer to every measure the Government had brought forward for the last six months. [" Divide."] He was not to be put down. He knew the corner well from which that noise proceeded. He knew the meaning of those clamours for a division. Hon. Members wanted their dinners, But was that the manner in which the business of the country was to be conducted? He appealed to hon. Gentlemen on his side of the House: they, as the opposition, had a duty to perform, and were not to be frightened out of it by the attacks of popinjays. If gentlemen wanted their dinners, let them go. Cheap food for the people was the first proposition embodied in the bill, and all the arguments about opening fresh channels for trade were but round-about enunciations of the doctrines of free-trade. The right hon. Baronet, if the phalanx behind him would have permitted, would have said, " exchange the manufactures of England against the corn of the world, and we shall have a trade grow up, which will not be for a year, or for two years, or for three years, but be a permanent acquisition to the manufacturing interest of the country." That was, in fact, the language which the right hon. Baronet had used in support of this bill, which was in itself so peculiarly and pitifully paltry that he would not say another word upon it. In one respect, undoubtedly, it might be regarded as of some importance, as exhibiting the weakness and paltriness of the party, which in spite of its own clear-sightedness, was driven to pursue the wrong, although it saw the right, and approved it. He never, in the whole course of his life, had heard a speech so peculiarly calculated to show all the advantages of a free-trade in corn as that which he had that evening heard from the right hon. Gentleman (Mr. Gladstone). And what ground had the opposition taken to it. The object of the bill was to declare that under certain circumstances warehoused wheat should be delivered duty-free upon substituting an equal quantity of wheat flour or biscuit. That was the proposition contained in the bill. It was no sooner offered to the House than up rose a couple of the representatives of the agricultural interest to oppose it. Let the House mark that this was not the opposition of the farmer, but the opposition of the landlord—the opposition of the landlord, who wanted dear corn at the time the people were starving. That was the meaning of the opposition. He took the hon. Member for Essex as the representative in this instance of the landed proprietors. The hon. Member for Essex was afraid that, whilst the people were starving, by some legerdemain, which he could not explain, corn, under the provisions of this bill, would come into the market and be sold rather cheaper than the landed gentlemen wished. What did the right hon. Gentleman the Vice-President of the Board of Trade say to that assertion? " Why really," said he, " the quantity of corn admitted under the provisions of this Bill will be so small, so minute, compared with the whole consumption of wheat in this country, that it is absolutely ridiculous to consider it as having any influence upon prices?" " Oh," replied the sturdy landlord, " I don't believe it—it may lower the price of my corn a penny, or a farthing, or a half a farthing, or a quarter of a farthing; and therefore I adhere to my opposition, and will divide against the bill." If such a course had been pursued by any

Member on that (the Opposition) side of the House, it would have been called a factious opposition; but because it came from those who, from prescription, were permitted to legislate as they liked, namely, from the representatives of the land, it was considered all right, and quite proper; and a clamorous cry was raised, because they were not allowed to go at once to the favourite diversion of a division and their dinners. That was the real state of the question; and it was right that the country should know and understand it.

Sir *Thomas D. Acland:* I have simply one remark to make in reply to what we have just heard from the hon. and learned Member for Bath. He says that we wish to sacrifice the interests of the country, and that the only object we have in view is to raise the rents of our lands. I beg to state that that is not, never was, and I believe never will be the true motive of any English country gentleman; and if the hon. and learned Gentleman would devote one moment to a dispassionate consideration of the subject, instead of indulging the desire of making an inopportune speech, I am satisfied he would not remain of the opinion to which he has given utterance.

Mr. *Hume* said, that every act of the landed gentry was calculated to keep up the price of corn, to maintain monopoly; and whatever might be their wishes and intentions, the result of their conduct was such as to justify the statement of his hon. and learned Friend. He was glad that his hon. and learned Friend had put the matter on the ground which he had taken. Now, that hon. Gentleman opposite understood from his hon. and learned Friend, the Member for Bath, the grounds on which they on the Opposition side supported this measure, he hoped these Members would agree to it. He should himself vote for it, believing it, as far as it went, to be a salutary measure.

Colonel *Sibthorp* would not waste the valuable time of the House by replying to the hon. and learned Member for Bath, whose speech was contemptible, and not worthy of notice. The fact was, that the grapes were sour. If the hon. and learned Member for Bath and the hon. Member for Montrose could get a few of the acres possessed by those whose conduct they so grossly misrepresented, he believed that the treatment of the tenant and of the labourer would be very different from what it now was. He would take no further notice of the hon. and learned Member's trash.

The House divided on the question, that the word "now" stand part of the question:—Ayes 116; Noes 29: Majority 85.

List of the AYES.

Acland, Sir T. D.
Aglionby, H. A.
Aldam, W.
Baillie, Col.
Baird, W.
Baldwin, B.
Baring, hon. W. B.
Barnard, E. G.
Bentinck, Lord G.
Bernal, R.
Blackburne, J. I.
Boldero, H. G.
Borthwick, P.
Bowes, J.
Bowring, Dr.
Brocklehurst, J.
Brotherton, J.
Buller, E.
Busfeild, W.
Campbell, A.
Chelsea, Visct.
Chute, W. L. W.
Clay, Sir W.
Clerk, Sir G.
Clive, E. B.
Cobden, R.
Colebrooke, Sir T. E.
Corry, rt. hon. H.
Courtenay, Lord
Cowper, hon. W. F.
Crawford, W. S.
Denison, E. B.
Douglas, Sir H.
Douglas, Sir C. E.
Duncan, G.
Ebrington, Visct.
Egerton, W. T.
Eliot, Lord
Escott, B.
Ferguson, Sir R. A.
Fielden, J.
Fitzroy, Capt.
Flower, Sir J.
Gaskell, J. Milnes
Gibson, T. M.
Gill, T.
Gladstone, rt.hn.W.E.
Gladstone, T.
Gordon, hon. Capt.
Gore, M.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greene, T.
Grogan, E.
Guest, Sir J.
Hall, Sir B.
Hamilton, W. J.
Harcourt, G. G.
Hardy, J.
Harris, J. Q.
Hatton, Capt. V.
Hawes, B.
Hope, hon. C.
Hume, J.
Humphery, Ald.
Jermyn, Earl
Knatchbull, rt.hn.Sir E
Lascelles, hon. W. S.
Lincoln, Earl of
Litton, E.
Lockhart, W.
Lowther, hon. Col.
Macnamara, Major
Mainwaring, T.
Masterman, J.
Mitchell, T. A.
Morison, General
Napier, Sir C.
Neville, R.
Nicholl, rt. hon. J.
Northland, Visct.
O'Connell, M. J.
Paget, Col.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Pechell, Capt.
Philips, M.
Plumridge, Capt.
Ponsonby, hon. J. G.
Pringle, A.
Pusey, P.
Rashleigh, W.
Repton, G. W. J.
Roebuck, J. A.
Rose, rt. hn. Sir G.
Rundle, J.
Sandon, Visct.
Somerset, Lord G.
Stewart, J.
Strutt, E.
Sutton, hon. H. M.
Thornely, T.
Tollemache, J.
Trench, Sir F. W.
Tufnell, H.
Vane, Lord H.
Villiers, hon. C.
Ward, H. G.
Wawn, J. T.
Williams, W.
Wood, B.
Wood, Col. T.
Wood, G. W.
Wrightson, W. B.
Yorke, H. R.

TELLERS.
Fremantle, Sir T.
Hutt, W.

List of the NOES.

Alllix, J. P.
Arbuthnott, hon. H.
Arkwright, G.
Baskerville, T. B. M.
Broadley, H.
Buck, L. W.
Buller, Sir J. Y.
Chetwode, Sir J.
Codrington, C. W.
Darby, G.
Eaton, R. J.
Farnham, E. B.
Forbes, W.
Fuller, A. E.
Halford, H.
Henley, J. W.
Hughes, W. B.
Jolliffe, Sir W. G. H.
Mackenzie, T.
Mackenzie, W. F.
Packe, C. W.
Palmer, G.
Plumptre, J. P.
Richards, R.
Sibthorp, Col.
Smith, A.
Smyth, Sir H.
Thornhill, G.
Trollope, Sir J.

TELLERS.

Trotter, J.
Rushbrooke, Col.

Bill read a second time.

REGULATION OF BUILDINGS.] On the Order of the Day for going into committee on the Buildings Regulation Bill (No. 2,)

Sir *J. Graham* rose for the purpose of requesting the hon. Gentleman opposite to postpone it for the present Session. The report from the Poor-law commissioners on the sanatory regulations of the principal towns in Great Britain would be in the hands of Members before the close of the Session, and the information therein contained would be in circulation through the country during the Session. The subject of drainage, and that which was contemplated by the present bill, would, in his opinion, be more advantageously taken into consideration at the same time. The Government hoped next Session to bring forward a bill embracing the whole subject, and he trusted, therefore, that the hon. Members would consent to the postponement of the measure.

Mr. *Tufnell* said, that after what had been stated by the right hon. Baronet, he had no other course to pursue but to postpone the committee on the bill, but still he thought it was a little hard on the parties interested, as this bill was brought in with the object of legislating for the poor in large towns. If the right hon. Baronet would take it up, he would be most happy to leave the bill in his hands, as it would then have a better chance of success. He should, therefore move, that the bill be committed that day three months.

Bill put off for three months.

AMENDMENT OF THE POOR-LAW.] Mr. Greene brought up the report on the Poor-law Amendment Bill, which, with the amendments, were agreed to.

Mr. *Escott* rose to move the insertion of the following clause, of which he had given notice:—

"That it shall be lawful for all boards of guardians of the poor in England and Wales to grant such relief as in their judgment shall be necessary to poor persons at their own homes, any order, rule, or regulation of the Poor-law commissioners notwithstanding."

The hon. Gentleman said, that the strongest and best founded objections were entertained against the present system for relieving the poor of this country—a system which was not advantageous to the rate-payers, nor beneficial to the poor, although he believed that the Poor-law Amendment Act had been introduced to produce the very reverse of those effects. The measure had failed to achieve those objects which its propounders and supporters professed—and he doubted not that they really thought so—would be the consequences of its operation. After having listened with the utmost attention to almost all the speeches which had been made on both sides of the House upon this question, he felt that he stood in rather a peculiar position, one differing very widely from that occupied by nearly all who had addressed the House in reference to the Poor-law Amendment Act. When that measure was first introduced in 1834, he certainly felt that it never would attain the objects which, no doubt, its authors had in view; but since it had become the law of the land, he had always endeavoured to abstain from anything like violent and irritating language in expressing his opinions upon its provisions, believing most thoroughly that to be the best way of attaining the end they all had in view—namely, the practical amendment and improvement of the condition of the poor. He was convinced that it was only by a calm and dispassionate course of deliberation they could arrive at a satisfactory settlement of this great and important subject. He believed that the right hon. Gentleman, in proposing the continuance of the Poor-law commission, was actuated by as pure a spirit of philanthropy as any man, even the most strenuous opposer of this measure, and that he also wished to carry into effect a law for the benefit both of the poor and of the rate-payer. It was with the same feelings that he (Mr. Escott) ventured to address himself to the clause which he now submitted for the adoption of the House. His right hon. Friend had most wisely said, that there was not time in the present Session of Parliament to give the bill that attentive consideration which was necessary for its final and satisfactory settlement. He agreed with his right hon. Friend most entirely in the propriety of postponing some of the clauses of the bill. The commission, however, itself, which in the minds of many hon. Members constituted a very objectionable part of the law, was to be continued for five years, and without those remedial clauses which, no doubt, would have been passed by the House, and so limited the powers of the commissioners. Was not, therefore, some such measure as he now proposed rendered absolutely necessary by the very fact that the powers of the commissioners had been prolonged for five years? Under the present circumstances of the case, the law as it was proposed by Lord Brougham in 1834 would still be the law until the next Session; and the commission being extended for five years it would be in the power of the commissioners to issue any rules and regulations which they might think fit for the government of the poor and the administration of relief to the poor for the whole of those five years, unless Parliament should order to the contrary. It might be said, and he apprehended that it would be said, by his right hon. Friend, though he was not certain of the course which his right hon. Friend intended to pursue, that his amendment, although a good deal might be said in favour of it; and although in some districts it might be highly expedient to adopt it, yet it would be in direct contradiction to the principle of the Poor-law as at present administered. He would beg of his right hon. Friend, now they were discussing this question again and before they separated, to tell the House what the principle of the Poor-law was? He had listened to almost every speech that had been delivered during the debates on this bill; he had read the great speech of Lord Brougham upon the introduction of the bill in 1834, as well as other speeches, and also a variety of pamphlets upon the Poor-law; but never yet up to that moment had he met with a definite notion of its principle. If the principle of the Poor-law were an economical and proper distribution of relief to the poor, which would also reduce the charges upon the rate-payers—if its object were to teach habits of industry to the poor, and to make them depend upon their own resources rather than upon extraneous aid—if its object were to encourage the honest and industrious labourer, and to discourage the idle vagabond—then the measure would be one worthy of adoption and of all support. But if the principle of the bill were to deny relief to the poor save upon the condition of going into the workhouse, then it ought not to be adopted, and he verily believed that it was a principle which could not long be acted upon. First and foremost in the bill stood the commissioners—that was a great and important part of the Poor-law Amendment Act. But that point had been so fully discussed that he would not enter further upon it than to say that the continuance of the commission for five years ought to have been resisted, but he was not prepared to say, that when sanctioned by Parliament resistance should be carried further; but it became absolutely necessary, for that very reason, that such a clause as he proposed should be added to the bill. Up to that moment, he repeated, he had not only not heard any definition of the principle of the bill, but he had never heard any statement in defence of the commission, more especially if it were intended to perpetuate that commission. He did most distinctly dispute the rightfulness, rather than the right, of Parliament, in establishing such a commission; and he should wish to know in what author of eminence who had written upon the constitution of this country—in what authority of eminence upon any question relating to the powers of Parliament, was there any opinion to justify its establishment? The powers of Parliament were and must be limited; and when they came to consider questions of this kind they would find that there was no tittle of authority whatever for such an establishment as the Poor-law commissioners. He wished the noble Lord the Member for London were in his place, because then he would have put the question to that great constitutional leader of the somewhat shattered phalanx of the Whig party, who had long been considered as an able, he had almost said an hereditary, expounder of the principles of the British Constitution; he would have asked the noble Lord whether there was any power or authority in Parliament to delegate to any three men the power of making laws, which power had been confided by the country only to the two Houses of Parliament and the monarch. He should like to hear an answer to that question. He should like to have his mind satisfied upon the point; because he fully agreed that when Parliament and the Crown had sanctioned a measure, they had nothing to do but to submit, and to teach the people in their respective districts to obey the law. But he thought that such an act as this should not be drawn into a precedent; and therefore he wished to know the authority for establishing such a commission, and delegating to it such powers. He should be told, very likely, "It is quite true that Parliament ought not to delegate to a commission the power of making laws, but then the fact is, that such was not the case here, for Parliament had delegated nothing of the kind, the commissioners being empowered to make only a sort of bye-laws, or rules and regulations. That is not within the power of this commission only, but it is a thing of frequent occurrence, and it often happens that bodies constituted by authority of the two Houses of Parliament have power to make bye-laws under the act of Parliament by which they were constituted." Now, that was an argument which he could not designate by any other terms than as being a quibble upon words. The point to be considered was, what was the effect of the rules, or regulations, or by-laws, call them which they pleased, which the Poor law commissioners made? If the effect was of the paramount importance—if they were understood, as he was sure they must be by any man who ever turned his attention to this subject—to be adverse to the clause which he submitted to the House for giving out door relief to the poor—if they had not only the same effect as a law, but prevailed universally, and had the greatest possible effect upon the people of this country, as much as any law within the memory of man—if such was their effect, where were the authority, the reasons, the arguments, to show that Parliament should delegate such a power to these commissioners? He had heard it said in that House, over and over again, that the prohibitory order could not be enforced in the manufacturing dictricts. That was admitted; but in the agricultural districts, it was said, the benefit of the law was experienced in the reduction of the rates, and in making the labourers more industrious. From his experience in the agricultural district where he lived, a large portion of the year, and from constant communication with poor men and persons of all classes, and also from his own knowledge, he could state that the prohibitory order had been productive of the very worst consequences as respected both the rate-payers and the poor. What was the effect of it? A hardworking, striving, industrious man, with a wife and family, would be told, when he wanted relief, that he was able-bodied, and, therefore, under this prohibitory order, he had no right to relief unless he entered the house. That was the general principle. Now, he could state that he knew whole parishes in which every workman had ceased to be able-bodied under the operation of the prohibitory order. He could state from his own knowledge, that many a poor and industrious working man, rather than go into the house, rather than leave his wife and children, rather than see his little cottage goods sold, rather than leave that which was his home, and to which he was attached, and become an inmate of the workhouse, had gone on working upon those wages which were inadequate to afford him sufficient support. By these means industrious men had been brought down to a weak and low state of health, so that, though they might not be suffering acute disease, they were far from being able to do a day's work, and when overtaken by disease, they very soon fell victims to it and their previous hard living. But what was the consequence of this law with regard to the idle and dissolute? The man who cared not for his children, or wife, or home, would go into the workhouse, because there he could get lodged and fed in idleness; the man who had no good qualities, and who was of no value to society, was sheltered and supported, but the honest, industrious, and independent in feeling, were allowed to pine away and perish. Probably he should be told that the farmers ought to give greater wages to enable the labourers to live better. He thought so; but would any political economist tell him upon what principle the farmer ought to pay for labour more than its worth? It was one of the foolish and canting cries of the present day, that the farmers ought to raise the wages of their labourers. They gave as much wages as the labour was worth. The price of labour had been reduced, partly through the redundancy of the population, but much more because of the prohibitory order. No doubt that order was issued with the best intentions, but with an idea of raising wages, instead of which they had been lowered. [Mr. *Hawes:* "Hear."] If the hon. Member would go with him into Somersetshire, he would soon convince him of that, and would show him parishes where the week's wages did not exceed 6*s*. The poor man who formerly would have fought with the farmer for 1*s*. 6*d*. a-day was now compelled to take 1*s*., because if he did not take the 6*s*. for his week's wages, he would be threatened with dismissal and the workhouse, and his honest horror and excellent dread of the workhouse, accompanied as it must be with the breaking up of his home, and his separation from his wife and children, made him submit. Thus the best were punished, while the worst were indulged; and that which it was supposed would be instrumental in raising wages had been the means of lowering them, and of further impoverishing the poor. When the law was first propounded, the people in the rural districts were told that it would improve the condition of the poor, and lower the poor-rates. The honest labourers were told that the effect of the bill would be to raise their wages; and if they could not get higher wages, they were to throw themselves into the workhouses, and dare their employers to give so little. ["Hear, hear."] He heard an assistant-commissioner make use of that language. The farmers and the gentry were told that another effect of the measure would be to reduce their rates. Had these promises been realized? What had been the effect of the law in the part of the country in which he resided? In many parishes of Somersetshire, by the unequal operation of the new law, the rates had been raised. He had taken the trouble to examine into the state of nine parishes in that part of the country. In every one of which the rates had increased, whilst the poor were suffering for want of relief. It might be asked why the rates had been raised? He would inform hon. Members why the rates had been raised. They had been raised because the House had refused to adopt a regulation similar to that which he was about to propose. It was not difficult to define why the rates had increased. Cases similar to the one he was about to relate had no doubt conduced to raise the rates. A man with a wife and family of six children would entail upon the parish a large weekly expenditure if compelled to go into the workhouse. That sum which would be necessary for their maintenance in the house would have been considerably reduced had the guardians consented to allow the man for the support of his family a few shillings per week out of the workhouse. With this trifling allowance the man would have been able to support himself without there being any necessity for entering the workhouse at all. In order to save a few shillings per week, the parish incurred the expense of 1*l*. or more per week, and on that account the rates had been raised. Was it just to allow a man, with his wife, and large family, to starve at home on a miserable pittance, or would you consent to allow him out of the parish funds 2*s*. 6*d*. per week, and thus enable him to support himself and family, without being compelled to throw himself into the workhouse? In answer to this it might be urged, that if this principle were acted upon—if a man was allowed a certain weekly sum to assist him in the support of his family out of the house, it would be paying wages out of the rates. With regard to that objection he would say, that there was no man more alive to it than himself, He did not deny that the course he proposed would give rise to contingent evils. He would ask, which system would give rise to the greater evil, that which he proposed or that sanctioned by the bill under the consideration of the House? Taking into consideration all the objections to his proposition, all the difficulties which, it might be said, it would probably give rise to—balancing the evils against the advantages—for he did not consider his proposition perfect in its character—considering all these points, the good which was likely to result from the operation of a clause like that which he had proposed, and the few evils which it might give rise to, he did think, "upon the whole," it was the best course which could be adopted with reference to the principle for which he was contending,—viz., that of administering out-door relief under certain circumstances. He did hope that hon. Members, and the right hon. Baronet particularly, would take this matter into serious consideration. What was the question? Would it not be better to empower the guardians, who were personally acquainted with the feelings, wishes and condition of the poor among whom they were brought up, and among whom they resided—would it not be better to authorize those guardians to allow a poor man 2*s*. 6*d*. per week to assist him in the maintenance of his family, instead, for the mere support of what was called a principle, to drive him into the union workhouse? There was another point to which he was desirous of directing the attention of the House. He was afraid, after what had passed during the debate on the Poor-law Bill last night, that he should be told that such a clause as that which he had proposed would have the effect of mischievously interfering with the power vested in the hands of the Poor-law commissioners—that it would tend materially to diminish the authority which the commissioners ought to exercise throughout the country. That was not his object. He had no wish to produce such an effect. If he for one moment conceived that his clause would have the effect of interfering with, or injuring the useful authority of the commissioners, he would not press it on the notice of the House; but it would have no such effect. It was his firm conviction and honest belief that it would not in the slightest degree interfere with the useful discretion of the commissioners. It would only operate in such cases where the Poor-law commissioners could exercise no discretion. The commissioners could only issue a general prohibitory order, and they were prevented by act of Parliament from administering Poor-law relief in particular cases. What did the Poor-law Bill say with reference to the powers vested in the Poor-law commissioners? In the 15th section of that bill, which had a reference to the administration of relief to the poor under the control of the commissioners, after stating,

> "That the commissioners may, at their discretion from time to time, suspend, alter, or rescind such rules, orders, and regulations, or any of them."

It concluded with these words:

> "Provided always, that nothing in this act contained shall be construed as enabling the said commissioners or any of them to interfere in any individual case for the purpose of ordering relief."

It was clear from the act of Parliament itself, that the commissioners could not interfere in individual cases. In support of the commissioners it had been urged that they constituted a court of appeal to which the poor man could apply. Such could not be the case, for the act of Parliament distinctly said, that they should not order relief to the poor man. Such being the fact, he, by his proposed clause only interfered in cases in which the commissioners could exercise no authority. He did not, therefore, interfere with the useful authority of the commissioners. Such would not be the effect of his clause. He was aware that there were many unions in which none of the evils which he had described existed, where the administration of the Poor-law had been attended with advantage to the poor; but how had the measure been productive of such good results? He would inform the House. It was effected by neglecting the orders which had been issued with reference to the administration of relief, by acting in direct opposition to that order, by trampling upon the regulations of the Poor-law commissioners. He only asked the House to permit all the unions throughout the country to do that by law which others were compelled to do in opposition to the law. A chairman of the board of guardians had boasted to him that he never attended to the orders of the Poor-law commissioners. He knew another chairman who admitted relief in the shape of loans. Upon being asked whether he ever expected the money to be repaid, he replied in the negative. It was in this manner that men influenced by motives of humanity were compelled to evade the law. Was it not then in a shocking state when a man was compelled in the exercise of a public duty, to evade it? There were, no doubt, unions where the Poor-law Bill might operate advantageously. It was said, that if he could witness the effects of the Poor-law in many unions, his objections to the law would be mitigated, and that he should feel disposed to support its provisions. He had no doubt, that the Poor-law had met with the approbation and support of many gentlemen in consequence of its defects being removed or palliated by the course pursued by the gentry residing in the districts where it was in operation; but it was not every country gentleman who could exercise an authority over a large and extensive union. What could be effected in a union, thirty miles in length, in a mountainous part of the country? Under such circumstances, it was impossible for the operation of the Poor-law Bill to be watched, or the interests of the poor properly to be attended to. In an extensive union like that which he had mentioned, it was impossible to induce the guardians to attend at the board once a week—to ride, as they were often compelled to do, twenty-two miles for that purpose. He wished to refer to one point mooted by the hon. and learned Member for Bath the other evening, in his speech on the Poor-law Bill. That hon. and learned Member had put this question on a ground totally distinct from that upon which it had previously been placed. And the right hon. Baronet at the head of the

Government rather sanctioned the view which that hon. and learned Member had taken. The hon. and learned Member stated, that the poor had no right to relief. With every respect for the learning and ability of the hon. Member, he must say, that the argument consisted in a mere quibble on the word "right." The hon. and learned Member for Bath referred in his speech to the statute of Elizabeth, which authorised no relief to the poor until certain conditions were complied with. But under the statute of Elizabeth, the aged and infirm were provided for at their own homes. The same description of persons were now provided for upon a certain condition—and what was that condition? The condition was, that they were refused all relief unless they went into the union workhouse. There was a great difference between the present law and the statute of Elizabeth. Under the statute of Elizabeth, relief was distributed in various parishes, and distributed by those who were practically acquainted with the wants and condition of those who applied for and received assistance. By the present law, the power of giving relief in parishes had been destroyed. The best Poor-law which he could conceive would be, that which repealed all those laws which overlaid the healthful provisions of the statute of Elizabeth; such an enactment would not only confer a great blessing on the rate-payers, but on the poor themselves. He begged to remind the House of what had transpired with reference to the Poor-law during its passage through the House of Lords. It was his belief, that if the Duke of Wellington had not given his support to Lord Brougham, the bill which he had introduced would never have become the law of the land. He thought, that a question of this kind should be considered without any reference to party feelings. But what did the Duke of Wellington say on that occasion? He said,—

> "That the magistrates did not administer the law; the overseers were intrusted with its administration. It was true, that the magistrates had interfered with the overseers, and that one object of the bill before the House was to bring the law back from the hands of the magistrates, and place it in that of the overseers, according to the old system. There was nothing more important than to bring back the administration of the law to the old system. When that was effected, no one would be more happy than himself, to see the bill abandoned."

It was his belief, that when the Duke of Wellington uttered these words, it was his wish to return to the old parochial system. The first step to carry out the wishes of the Duke of Wellington, would be to place the power of administering the law in the hands of the Poor-law guardians, who stood as the representatives of the parochial authorities. He considered the question as one of deep importance, and he would perform his duty by dividing the House upon the clause.

Clause brought up, and read a first time.

On the question, that it be now read a second time,

Sir *J, Graham* said, the ability and evident sincerity of the hon. Gentleman, entitled all that had fallen from him to the fullest consideration. He felt the magnitude of the subject introduced by the hon. Gentleman, but he must also say, that the discussions upon it were nearly interminable, and ought now to be left over till the next Session. The hon. Gentleman had frankly admitted, what every hon. Member present must have seen, that his clause was in direct opposition to the principle not only of the measure before the House, but of the law of 1834. The hon. Gentleman said, the principle of the workhouse test was not to be found in the act of Elizabeth. Now, most undoubtedly that was so, but by that act relief was not made a positive right, but it was made contingent upon certain works to be performed by the party receiving it. If the clause of the hon. Gentleman were adopted, it would not only defeat the measure then under discussion, but it would in effect repeal the act of 1834; indeed, it was at utter variance with the workhouse principle, which was contained in all the Poor-laws of late times. He must deny the assertion of the hon. Gentleman, that under the proposed measure, as well as that of 1834, the commissioners were not possessed of large and extensive powers. They had those powers, and, although they were somewhat indefinite, it was not now uncertain how they had been used. The hon. Gentleman and the House must be aware, that several general orders had been passed by the commissioners, they had been laid on the Table of the House, and by the sanction of Parliament they had now become law. Those general orders having now all the force of law could not be revoked by the commissioners; they must administer the law according to the principles therein laid down. Any one who heard the speech of the hon. Gentleman would have been led to suppose that the law was stringent in preventing any relief being given to the able-bodied pauper out of the workhouse. He would inform the hon. Gentleman that such was not the case, and that a very large discretion was given to boards of guardians under the orders issued by the commissioners. Under one of those general orders, relief in money, in food, in clothes, and in medicine might be given, not only in the illness of the head of a family, but in case of the sickness of any member of it, or in case of any suffering arising from accident—indeed, in all cases where the necessity for relief was sudden and urgent, the guardians were intrusted with those large powers. The hon. Gentleman had asked him to state what was the principle of the bill. Now, there was always considerable danger in giving definitions; but the definition of the principle of the measure he would say was, "Local relief to the poor, subject to a central superintendence and control." The hon. Gentleman seemed to say that the workhouse-test was so rigidly applied that no relief, or at least but little, had been given, except in the workhouse. To prove that such a view of affairs was entirely erroneous, he was prepared with some returns, from which it appeared that in 1839, out of 1,137,000 persons who were relieved, only 140,000 received that relief in the house, while 997,000 were relieved out of it, and at their own homes. In 1840, 1,199,000 were relieved, and only 169,000 received that relief in the workhouse, while 1,030,000 received it out of the house, and at their own homes; and in 1841, 1,300,000 was the number of persons relieved in gross, only 192,000 of whom received relief in the workhouse, while 1,108,000 were relieved out of it. This proved that the workhouse-test was not firmly adhered to. Again, let them try the question by the relative expense. The sum total paid for the maintenance of the poor in 1840 was 3,739,000*l.* Any one who had heard the speech of the hon. Gentleman must have been led to the belief that all that sum had been expended in in-door relief. Now what were the facts? Generally speaking, all paupers above the age of sixty were relieved out of the workhouse, and in all cases of sickness either of the heads of families or of members of the family, relief was administered to the parties at their own homes. The hon. Gentleman had eloquently complained of the guardians being in the common practice of selling off the furniture of all persons applying for relief, and said that it was done under the authority of the law. He must deny that such was the law—he believed it was not the practice; but if it was, it was most decidedly illegal; no guardians or other authorities had power to do so. Well, out of the 3,739,000*l.* expended in poor-rates in England and Wales in 1840, 808,000*l.* only was expended in workhouses, while 2,931,000*l.* was expended in the relief of the poor at their own homes. Again, in 1841 the gross amount expended upon the relief of the poor in England and Wales was 3,884,000*l.*, and out of that sum only 892,000*l.* was expended in the workhouse, while nearly 3,000,000*l.* was expended in the relief of paupers at their own homes. The hon. Member for Bradford asked him what proportion of these cases were able-bodied?—it was a very difficult matter to give an answer to that question, for he was not furnished with returns to that effect; but there was one class of persons who were relieved of which he had an accurate account, and from that it appeared that in 1841 there were relieved of widows, and women who had been deserted by their husbands, 165,000. Of the male paupers he was unable to say what proportion were able-bodied and had been relieved in the workhouse or at their own homes, but he could state, upon the best authority, that out of the 165,000 persons he had alluded to, only 13,601 were relieved in the workhouse. But the hon, and learned Gentleman made one admission which must prove fatal to his clause—he admitted that if he was successful in carrying it, it would necessarily lead to the payment of wages out of the poor-rate; that it must lead to a recurrence to the worst of the evils which existed prior to 1834. Every one who had the slightest regard for the welfare of the labouring population must decidedly oppose the proposition of the hon. Gentleman. It was clear, even to the hon. Gentleman, that his success must prove a return to the old system, under which the farmer paid low wages to his labourer. Nothing could be more unfair, because it was only an indirect way of taxing other people for the support of his workmen. Nothing could be more intolerable, nothing more indefensible, than such a system. On the one hand it produced a servile pauperized population, while, upon the other, it produced much hardship and injustice. Every one who wished for a return to such a ruinous system might vote for the clause of the hon. and learned Member; but all who were of opinion that such a course would be a step backwards, and most detrimental to the best interests of the labouring population themselves, must vote against him. The hon. and learned Member had quoted some expressions which had fallen from the Duke of Wellington in 1834. He had caught the words that he wished to rescue the poor-rates from the hands of the justices, and to see the administration of all relief of the poor restored to the hands of the overseers. Undoubtedly, one of the most crying evils of the system as it existed previous to 1834 arose from the authority exercised by the justices over and independent of the parish authorities. Although he entertained a most decided objection to the control of the magistrates over the relief of the poor, as exercised prior to 1834, he considered the continuance of that control far preferable to the proposition of the hon. and learned Gentleman. By the proposal of the hon. Gentleman the local authorities—who were influenced by local prejudices and antipathies— would be intrusted with the sole and exclusive power of administering relief in their respective districts. He thought there would be no safety in such an administration. He considered that one great evil of the law as it existed prior to 1834 was the power vested in the magistrates; but he thought it was preferable to permit an appeal to the magistrates than to allow no appeal. The great advantage of the present law was, he conceived, the control exercised over the local administration of relief by parties who were free from local prejudices—who acted upon general principles recognised by the Legislature, and laid down by the Legislature, these parties being themselves under the control of the Executive, and their acts being open to discussion in the representative assembly of the nation. He contended that it was necessary, when the administration of relief was vested in local bodies, that some appeal should be afforded; and such appeal must be made either to some local tribunal, or to a central controlling department. He had perused a pamphlet, entitled *Remarks on the Prohibitory Orders and Discretionary Powers of Guardians,* addressed to the Thirsk board of guardians by a member of the board, in which the author stated,—

> "The proceedings of local boards easily evade public attention. Their composition is continually varying, and there is no individual to whom the responsibility of any blunder attaches. Every act of the commissioners is watched with the utmost jealousy, and this fact furnishes the best safeguard that they will exercise the powers with which they are intrusted with due caution and discretion. Of this I am confident—no precautions can be too great, no jealousy too watchful, in committing to any party the discretion of bestowing outdoor relief on the able-bodied; for it is a power which may sap and destroy the very springs of industry by the imposition of local taxation. That such a power should be committed to any local board is most impolitic; and there seems no depository to which this power can be so beneficially and securely confided as to a central commission."

This was precisely the opinion which he entertained as to the principles on which the bill of 1834 was founded; and this was the principle on which the bill now submitted to the House mainly rested. His opinion was that, if the House adopted the clause proposed by the hon. and learned Gentleman, not only would the commission be utterly useless, but the whole scheme of the enactments of the bill of 1834 would be nullified. He was, therefore, most decidedly opposed to the clause proposed by the hon. and learned Gentleman.

Mr. *Fielden* thought the argument that labourers' wages were under the former law paid out of the poor-rates was most fallacious. The guardians had a discretionary power as to granting relief, and if employers could be compelled to give the labourers such wages as would gain them subsistence they would not require relief. He thought no answer had been given by the right hon. Baronet to the arguments of the hon. and learned Gentleman opposite. The right hon. Baronet had stated that the poor man had the right to appeal, first to the guardians, then, if they did not afford him redress, to the magistrates,—then to the assistant Poor-law commissioners,—and, if they neglected his application, he could appeal to the commissioners at Somerset-house. By a proviso of the Poor-law Act, however, the commissioners were precluded from receiving any appeal in an individual case; but every appeal which could come before them must be an individual case. He thought the Poor-law was founded in injustice; it was an iniquitous measure, and the sooner it was torn from the statute-book, and burnt by the common hangman, the better.

Mr. *Ward* said, the hon. Member for Oldham had expressed his opinion that the Poor-law was founded in injustice, and had said, that he would gladly see it torn from the statute-book. Now, if he thought this law to be unjust, he would willingly endeavour to procure its repeal; but he believed it was founded in strict justice, and that it had been a source of great advantage to the poor throughout a large portion of the country; and he was prepared to abide by that opinion. He was far from agreeing with the hon. Member for Oldham, for he thought the right hon. Baronet opposite had afforded a most complete and conclusive reply to the arguments of the hon. and learned Member, by whom this clause had been proposed. The statements of the right hon. Baronet were supported by facts which the hon. Member for Oldham had not ventured to question. The hon. Gentleman had said that, if the wages of labourers were eked out from the poor-rates, their wages were not paid from the rates; that if a poor man in the employ of a farmer did not obtain such wages as would procure a subsistence for himself and his family, and receive relief from the overseers, his wages were not actually paid from the rates. But was this relief given from the pockets of the overseers, or from the pockets of the rate-payers? He thought, it was most improper that money drawn from the pockets of shopkeepers and other inhabitants of a parish for administering relief in cases of emergency—of absolute want, should be applied to eke out the wages of persons to whom the farmers would not give a sufficient sum to obtain them the means of subsistence. In such a case, it would palpably be the interest of the farmer to reduce the wages of the labourer, when it was known, that they would be made up from the poor-rate. He thought the present Poor-law afforded the labourer some means of control over the farmer, for if a poor man was compelled to work for 6*s.* or 7*s.* a-week, when he ought to receive 10*s.* or 12*s.*, he might throw himself and his family into the workhouse, and thus by adding to the amount of rates, he might oblige his employer to give him such a rate of wages as would procure him subsistence. He believed he was making a correct statement when he said, that in the Andover Union a sort of conspiracy was entered into among the farmers to compel the labourers to work for extremely low wages. About twenty of the labourers applied to the board of guardians for relief, and, under the advice of one of the assistant-commissioners, the board admitted the men and their families into the workhouse. The consequence was, that the farmers were instantly compelled to raise the rate of wages nearly 25 per cent, and the men, instead of remaining in the workhouse, were enabled to realize wages which procured them the means of subsistence. He believed, that in the rural districts this had been the general effect of the Poor-law Bill. In the parish of Ware, when the system of out-door relief was pursued, 120 men in receipt of parochial relief were frequently employed in the gravel-pits, or were maintained in entire idleness. That union, under the existing law, comprised seventeen parishes; and he believed, that since the Poor-law was adopted, there never had been at any one period seventeen able-bodied men out of employment in the workhouse. The right hon. Baronet opposite had shown, that the commissioners possessed the utmost power of relaxing the stringency of the law, and that the proportion of out-door relief already afforded, was so great that the clause of the hon. and learned Gentleman was wholly unnecessary. If the House adopted the clause of the hon. Gentleman, they would, in fact, revert to the state of things which existed prior to 1834. He thought the Government had taken a proper course with regard to this question, and he was glad to state his general concurrence in the principles they had adopted. If those principles were unpopular, he and a large number of hon. Gentlemen on that side of the House were as ready to share the unpopularity with the Government as were some hon. Gentlemen opposite. He believed the principles on which the Poor-law was founded were sound, and that in operation the bill was most beneficial to the working classes; and his opinion had not been shaken by the bitter denunciations of a knot—a very small knot—of hon. Members on both sides of the House, who had united in opposing this measure. He gave his support to this bill because he conceived it was a measure which would generally be most beneficial to the labouring classes of the country, though experience might show the necessity of mitigating some of its provisions in the next Session. It had been the custom to talk of the stringency of this law, and of the extensive powers which it vested in certain parties, but he would remind the House that such powers were given in order that any necessary relaxation of its provisions might be effected. He defied the hon. Member for Oldham to show that, where a case of emergency had been made out, the commissioners had evinced any indisposition to relax the stringency of the law. He contended, that the Poor-law Bill was not in the slightest degree unconstitutional; the commissioners were strictly responsible for their acts, and if any grievance arose, the Secretary for the Home Department was called to account. He would, therefore, certainly vote against the clause proposed by the hon. and learned Member.

Mr. *O'Counell* said, if the hon. and learned Gentleman pressed his clause to a division he would vote in its favour, because it asserted the principle of out-door relief, and proposed to intrust the discretion of affording that relief to persons who would be likely to administer it properly. The right hon. Baronet in his speech during this debate, had fully admitted the principle of affording out-door relief, and had shown that a great proportion of the relief recently afforded had been out-door relief. In Ireland the Poor-law had been introduced as an experiment, and there no out-door relief was given. In this country an aged person might receive out-door relief, unless he preferred becoming an inmate of the workhouse; but in Ireland no person could receive the slightest amount of relief without going into the workhouse. He thought the operation of the Poor-law in its present state in Ireland was most dangerous; it created an enormous expenditure without affording any substantial relief. He was of opinion that out-door relief ought to be granted in that country as well as in England, and he would therefore support the clause proposed by the hon. and learned Gentleman.

Mr. *Hardy* would support the clause of the hon. Member for Winchester. It was not his wish that the wages of labourers should be eked out in either agricultural or manufacturing districts by parochial relief; but if the rate of wages was so low that they did not enable a man to obtain a subsistence for his family, he thought relief might fairly be granted. He thought the commissioners sitting in Somerset-house could not decide on the relief to be given in individual cases; they must ultimately depend on the report of the Poor-law guardians. Why not therefore at once give the discretion to give out-door relief to the Poor-law guardians? Instead of this discretion being vested in the overseers of the poor of a parish, as formerly, twenty or thirty parishes were now united, all the guardians of which must concur in the relief to be given, and he thought that surely the decision as to the cases in which out-door relief ought to be given might be safely left to them. If they were not allowed to give relief they must report on the case to the commissioners, and how could the commissioners then refuse to give relief against the tenour of the report of the guardians? He thought it therefore better to give the discretion to the guardians at once. He should support the motion of the hon. and learned Member.

Mr. *Aglionby* did not see how the right hon. Baronet opposite, the Member for Kent, could oppose the motion. On a former occasion he, as chairman of a board of guardians, had represented in that House a case of extreme hardship which had come before the board of which he was chairman, and in which a complete case for a grant of out-door relief was made out; the board of guardians reported the case to the Poor-law commissioners, and they peremptorily refused the out-door relief; and the right hon. Baronet grievously complained of their conduct. The right hon. Baronet the Secretary of State for the Home Department, as chairman of the board of guardians of the Longtown union, in the north of England, had applied to the commissioners for a relaxation of this rule, and stated, that he would not act as a guardian unless the discretion were granted; and in this case the Poor-law commissioners did not insist on uniformity. That was the first case in which his belief in the necessity of uniformity was staggered; and he was thenceforth convinced that the discretion might be safely left with the board of guardians. The only necessity for this uniformity appeared to be, that in case of pressure from without the guardians might be able to fall back on the Poor-law commissioners; but if the Poor-law guardians were too timid to carry out their own acts, they had no right to throw the odium on the Poor-law commissioners. The Poor-law guardians must be better judges of the merits of each case than the commissioners, and he should therefore support the motion of the hon. and learned Member.

Sir *E. Knatchbull* certainly had made the statement alluded to by the hon. and learned Member who had just sat down, and still entertained the same opinion as he then did, that it was a case of peculiar hardship; but it did so happen that since he had made that statement to the House a general relaxed rule had been issued by the comissioners, and, according to the new order, the guardians were empowered to give relief in such cases for fourteen days, at the expiration of which time the case was to be referred to the Poor-law commissioners. That new order entirely met the case he had laid before the House, and justified him in the course he was taking.

Mr. *Kemble* was not one of those so strongly opposed to the New Poor-law as to wish to get rid of it altogether; but at the same time he thought that much of the Poor-law required to be mitigated. He thought that the object of the hon. and learned Member was completely carried out without this motion, when it appeared that in 1840 only 169,000 persons received relief in the workhouses out of 199,000 persons who had been relieved, and that last year only 192,000 persons received relief in the workhouses, while 1,108,000 persons received relief out of them. He would press on the hon. and learned Member not to divide the House on the question. As one of those anxious to mitigate the severity of the law, as all the other motions calculated for its mitigation had been withdrawn, he thought that a division now on this question, instead of advancing the cause they had at heart, would injure it, and weaken the power they might be able to show on some future occasion when the act should be fully discussed. If the hon. Member persisted in dividing the House, he should be under the necessity of adopting that plan which had been stigmatised by an hon. Member opposite as sneaking or skulking from the House, whatever imputations might be cast upon him for it.

Mr. *S. Crawford* hoped the question would go to a division, and hon. Members might "skulk" it, if they liked. He had heard the speech of the hon. Member for Sheffield, as a supporter of popular rights, with great pain. The result of the rule of the Poor-law commissioners was to take away discretionary power from the people. He thought it a degredation that the supporters of popular rights should vote for such a law in that House. If the people were not fit to be trusted to elect guardians to administer the Poor-law, they were not to be trusted to elect Members of that House to frame laws. As a friend of the extension of popular rights, and of the extension of the suffrage, he could not permit such observations to pass without comment. The facts which had been brought forward showed that the commissioners desired to maintain the principle of in-door relief in an extreme manner, and they had only relaxed their rules on this subject when their existence was in jeopardy, and the public voice was against them. He should support the motion of the hon. and learned Member.

Mr. *Hume* would not yield to the hon. Member who had just sat down in his desire to support popular rights, or to see the people happy; but he was surprised he should advocate a course which past experience had shown produced evils that threatened to destroy society. He could only say that that man was not a friend of the working classes, or of the country at large, who would wish to return to that state of society from which they had been happily relieved by this law. He was anxious to support the power of the central commissioners. It was necessary to lay down general rules. Without the central control there would be as many different modes of administering relief as there were unions. If this motion were carried he should like to know of what use the commissioners would be; for it went to prevent the boards of guardians from being under any direction. He begged altogether to differ from the hon. and learned Member when he said that wages had not been affected and raised by the operation of the Poor-law. By this law the practice had been put an end to of giving relief to help out wages. If the motion were agreed to the old practice would return, from the various unions being left to their own discretion; he, therefore, thought it better to adhere to the rule laid down by the New Poor-law, and he should vote against the motion.

General *Johnson* said, the hon. and learned Member who had proposed the motion, wished for no return to the old law, but that the boards of guardians should have the power of administering relief as they thought proper where there was necessity for it. That boards of guardians returned by the voice of the people to administer relief to the poor of the district should not be intrusted to do so, appeared to him to be the strangest doctrine that ever was. He could not coincide with what had fallen from the hon. Member for Sheffield. He thought the proposition before the House a most reasonable one; he should be glad to put an end to this most unconstitutional power; and he should cordially support the motion.

The House divided, on the question that the clause be read a second time:—Ayes 55; Noes 90: Majority 35.

List of the AYES.

Aglionby, H. A.
Adam, W.
Allix, J. P.
Archdall, Capt.
Arkwright, G.
Baillie, Col.
Bankes, G.
Baskerville, T. B. M.
Bowring, Dr.
Broadley, H.
Broadwood, H.
Brocklehurst, J.
Brotherton, J.
Cardwell, E.
Chetwode, Sir. J.
Colvile, C. R.
Crawford, W. S.
D'Israeli, B.
Douglas, J. D. S.
Duncombe. T.
Eaton, R. J.
Egerton, W. T.
Farnham, E. B.
Feilden, W.
Gore, M.
Halford, H.
Hall, Sir B.
Hardy, J.
Henley, J. W.
Hornby, J.
Hughes, W. B.
Hussey, T.
Johnson, Gen.
Jolliffe, Sir W. G. H.
Lefroy, A.
Lowther, J. H.
M'Geachy, F. A.
Mainwaring, T.
Masterman, J.
Napier, Sir C.
O'Connell, D.
O'Connell, M. J.
Palmer, G.
Pechell, Capt.
Repton, G. W. J.
Richards, R.
Sanderson, R.
Sandon, Visct.
Sibthorp, Col.
Smyth, Sir H.
Stewart, J.
Thornhill, G
Walker, R.
Williams, W.
Yorke, H. R.

TELLERS.

Escott, B.
Fielden, J.

List of the NOES.

Acland, Sir T. D.
Antrobus, E.
Baring, hn. W. B.
Barnard, E. G.
Bentinck, Lord G.
Berkeley, hn. Capt.
Boldero, H. G.
Bradshaw, J.
Bruce, Lord E.
Busfeild, W.
Cavendish, hon. G. H.
Chelsea, Visct.
Chute, W. L. W.
Clements, Visct.
Clerk, Sir G.
Clive, E. B.
Clive, hon. R. H.
Cockburn, rt. hn. Sir G.
Collett, W. R.
Corry, rt. hon. H.
Courtenay, Lord
Cripps, W.
Damer, hon. Col.
Duncan, G.
Eliot, Lord
Follett, Sir W. W.
Forbes, W.
Fuller, A. E.
Gaskell, J. Milnes
Gill, T.
Gordon, hon. Capt.
Goring, C.
Goulburn, rt. hon. H
Graham, rt. hn. Sir J.
Greene, T.
Gregory, W. H.
Hamilton, W. J.
Hardinge, rt. h. Sir H.
Hatton, Capt. V.
Hawes, B.
Herbert, hon. S.
Hope, hon. C.
Howard, P. H.
Hume, J.
Inglis, Sir R. H.
Jermyn, Earl
Knatchbull, rt. hn. Sir E.
Knight, H. G.
Lambton, H.
Lascelles, hon. W. S.
Lemon, Sir C.
Lincoln, Earl of
Lindsay, H. H.
Litton, E.
Lockhart, W.
Lyall, G.
Mangles, R. D.
Morgan, O.
Newry, Visct.
Nicholl, rt. hon. J.
O'Brien, J.
Pakington, J. S.
Palmerston, Visct.
Peel, J.
Plumridge, Capt.
Plumptre, J. P.
Pollock, Sir F.
Pringle, A.
Pulsford, R.
Rose, rt. hon. Sir G.
Rundle, J.
Rushbrooke, Col.
Scarlett, hon. R. C.
Smith, A.
Somerset, Lord G.
Stanley, Lord
Stansfield, W. R. C.
Sutton, hon. H. M.
Tancred, H. W.
Thornley, T.
Tollemache, J.
Trollope, Sir J.
Walsh, Sir J. B.
Ward, H. G.
Wawn, J. T.
Wilde, Sir T.
Wood, B.
Wrightson, W. B.
Wynn, Sir W. W.
Wyse, T.

TELLERS.

Fremantle, Sir T.
Baring, H.

On the question that the bill be read a third time on Friday,

Sir *T. Acland* said, he was very anxious to express his wish for the restitution of a clause (the 29th), which had been left out last night—he did not know why—and which empowered guardians to appoint local committees to receive applications for relief, to examine and report to the Board, in cases where the whole of any parish was situate more than miles from the place of meeting of the board. In districts such as he was acquainted with, of great length, where the pauper had to come ten or twelve, or even twenty miles to attend the board, it was very difficult and inconvenient for him to put forward his claim, and consequently he was obliged to trust to the relieving officer to get his claim heard. He had been very glad to see this clause, and he could not help hoping that the right hon. Baronet would grant this boon to the poor, by replacing the clause on the third reading, from which he could not anticipate that any inconvenience would ensue.

Captain *Pechell* hoped that the right hon. Gentleman would not attend to any such suggestion. If he did, they might have the Gilbert Union clause revived. If the hon. Baronet wished to effect the purpose he had in view, let him bring in a clause to diminish the size of unions. Such a clause, it might be expected, would obtain considerable support if brought up as a rider.

Dr. *Bowring* should be glad if the right hon. Baronet would adopt this suggestion, and reinstate the clause, which was not of a coercive but a mitigatory nature. But he would go further than this clause, and propose that the local committees should not only visit but relieve. If they adopted that proposition, it would operate as a very great mitigation of the harshness of the Bill, and would be cordially welcomed in those districts where distress was almost universal.

Bill to be read a third time on Friday.

SUPPLY—MAYNOOTH.] House in Committee of Supply.

On the motion that the sum of 8,928*l.* be granted to defray the charge of the Roman Catholic College.

Mr. *Plumptre* opposed the grant, as one that was offensive to a large portion of the people of this country. He did not oppose it on religious grounds merely, but because the doctrines taught at the college had a tendency to the subversion of the allegiance due to the Crown.

Lord *Clements* remonstrated against the course taken by the opponents of the grant to this Catholic seminary, which he considered essential to the religious instruction and spiritual welfare of the Catholic population of Ireland. Why did not hon. Members who were so attached to the Protestant doctrine and faith, instead of taking ill-founded exceptions to the conduct of the Catholic pastors, exert themselves in the more praiseworthy and Christian duty of providing for the spiritual wants of the Irish Protestants? The riches of the established Church and its clergy was as notorious as the poverty of the Catholic Church and its exemplary priesthood. Why then was this petty grant in aid of a fund raised by Catholics for the education of their own clergy, and others who professed the same faith, carped at? Was this the proof of superior liberality in the professors of the reformed religion; or were these illiberal objections to the exemplary exercise of pastoral care in the Catholic clergy intended as a set off against the notorious neglect of those flocks by the clergy of the Established Church in many districts of Ireland. It was a circumstance which came under his own observation in parishes adjacent to that in which he resided, that the parishioners of parishes from which the clergy derived a large income in tithe were totally deprived of spiritual instruction in their own parishes, and forced to resort to a distant church to attend Divine service. It would be far more prudent and more consonant with the spirit of true Christianity, if the zealous advocates of the Protestant religion and its clergy were, instead of taking all possible opportunities of vilifying the Catholic clergy and Catholic laity, to endeavour to forget all party and religious distinction, and set themselves earnestly to devise an efficient remedy for the spiritual destitution of their Protestant brethren in those parishes of Ireland which were frequently some of the better class of livings in that country. The vote should have his most zealous support.

Mr. *Bateson* rose with much reluctance to detain the House at that late hour of the night, but feeling it his duty not to give a silent vote on the Maynooth grant, he begged the indulgence of the House while he made a few observations, and stated the reasons which prevented him from giving it his support. He knew that some hon. Members would consider that his opposition to it arose from narrow and prejudiced views. But he was sure that, if they were aware of the effects produced on Ireland by the present Maynooth system of education, they would pause before giving it their sanction. He could say that it was not from bigotry or intolerance that he opposed it: for he looked upon liberty of conscience as one of the greatest of blessings, and religious persecution as the most intolerable of all tyrannies. He hated the spirit which breathes in the inquisition — he abhorred those feelings which rejoice at the imposition of penal laws. He said he would now only look at this question in a political point of view, and he would ask, if it was right, expedient, or politic for the State to support an institution, if that institution, by the doctrines it teaches, by the principles it inculcates, by the conduct of its Members and pupils, tended in any way to lessen the loyalty or the obedience of the subjects of that State? Ought we to continue to endow an institution, established solely for the purpose of giving a sounder instruction, a more loyal and more British education than at the time of its foundation it was supposed could be obtained in other seminaries, if, having utterly failed for those purposes, it, on the contrary, fostered principles hostile to our institutions, alien to the constitution of the realm? It had often been stated that we were bound in justice to continue this grant, that it was a legacy bequeathed to us by the Irish Parliament, which we, its heirs and executors, ought to pay. But he distinctly denied such was the case. In the three acts of Parliament relating to Maynooth, no mention is made of a national endowment. Even were it so, why are we bound to make this an exception? Why not treat it as they did the other Parliamentary enactments? Though Parliament, for instance, made null and void what the Act of Union declared to be "one of its essential and fundamental" articles—viz., the preservation of the Irish Church Establishment. Though apparently no respecter of persons or of property, yet Parliament must, however, now halt in its career, and not dare irreverently to touch the liberal, enlightened, and unexclusive College of Maynooth. But what were the facts of the case? In 1795, Parliament considered it expedient to allow a college to be established for the education of persons professing the Roman Catholic religion, lest by a foreign education, when treason and infidelity ran riot over the Continent, the Roman Catholic youth should imbibe republican principles, and return discontented with the established order of things. But though Pitt proposed and the Irish Parliament sanctioned, a grant—and though the United Parliament afterwards thought fit to continue one—yet it was proposed, sanctioned, and continued, solely for a particular political purpose. He asked, had that desired object been gained?—had the Maynooth system been of benefit, either to the Roman Catholic clergy or to the empire at large?—or had it not rather defeated what ought to be the very end and object of education? Were the Irish Roman Catholic priests of 1842 better subjects, more enlightened, more loyal, more charitable in their opinions, than the foreign educated priests of the last century? The evidence before Parliamentary committees, nearly every writer on Ireland—Mr. Inglis, even Dr. Doyle himself—proved the contrary. Mr. Inglis, a staunch Liberal, one whose statements ought to have some weight with hon. Gentlemen opposite, thus writes,

> "I entertain no doubt that the disorders which originate in hatred of Protestantism, have been increased by the Maynooth education of the Catholic priesthood. It is the Maynooth priest, who is the agitating priest; and if the foreign-educated parish priest chance to be a more liberal minded man, less a zealot, and less a hater of Protestantism than is consistent with the present spirit of Catholicism in Ireland, straightway an assistant, red-hot from Maynooth, is appointed to the parish."

And again,

> "I look upon it as most important to the civilization and to the peace of Ireland that a better order of Catholic priesthood should be raised. Taken as they at present are from the very inferior classes, they go to Maynooth, and are reared in monkish ignorance and bigotry, and they go to these cures with a narrow education grafted on the original prejudices and habits of thinking, which belong to the class among which their early years were passed."

Had the mind, continued the hon. Member, been enlarged and elevated by the instruction given at this seminary—had intolerance ceased—had superstition and spiritual thraldom been banished where Maynooth had had sway, where its influence had been felt—had it taught obedience to the laws, "To render to all their dues: tribute to whom tribute is due?" He was afraid such had not been the case. He must ask, who were they who excited the peasantry in the south against their landlords—who instilled into the minds of their flocks feelings, if not of hatred, at least of jealousy and suspicion, against the Sassenagh and the clergy of the Established Church?—Who drove voters to the hustings, and coerced them by the threat of excommunication—by the fear of being cursed from the altar, as outcasts from their neighbours and their God? He much regretted he was obliged to say they were a large body of the Maynooth priests. He appealed for confirmation to Parliamentary reports. Every page of the evidence taken by the committee on bribery and intimidation in 1838, showed that such was the case. He could prove from evidence he had then with him, the truth of every statement he made, but at that late hour would not trouble the House. Though he spoke of this tyranny and interference, he did so in a very friendly spirit toward his Roman Catholic fellow countrymen. [*Ironical cheers from the Opposition.*] Yes, there were thousands and tens of thousands of Roman Catholics who felt as he did, but who, though they groaned under this system of terror, were forced to bow down in seeming humility. There were priests too who would break the bonds, but dare not; who when unwilling to agitate, are immediately saddled with a Maynooth curate who has none of those squeamish scruples. He trusted that the House would not sanction the present system which is fatal to the peace and tranquillity of Ireland—which perpetuates the great curse of that country, religious dissension—which will not allow Irishmen to do justice to their own naturally kind and social disposition—which changes their natural loyalty into abject submission to a demagogue, and their naturally strong religious feelings into superstition and gross bigotry—which instead of affording a loyal British education, for which sole purpose it was established, on the contrary, engenders a bitter sectarian spirit, and hostility, not only to the Established Church, but to the institutions of the State. He hoped hon. Gentlemen, representatives of English constituencies, who, perhaps, judged of the political and religious state of Ireland from that of England—who formed their opinion of the Maynooth priesthood in Ireland, perhaps from some of the liberal-minded, enlightened, most estimable, and deservedly respected clergy, whom they may have met with on the Continent—to pause and examine more carefully the effects of this Maynooth system of education—and then to say, where are the advantages and the blessings which have resulted to that country from it? On that answer he would be content to leave this subject to be decided; but he begged hon. Members, who had not examined this question, not to be deceived by cant phrases about liberality and the advantages of education—by declamations about the interests of seven millions of Roman Catholics. For their sake, as well as for that of Protestants, he now opposed this grant. He asked them to refuse it, or else to change the system. He spoke not as a political partisan—not even as a Protestant—but as an Irishman he would plead for the peace and happiness of his Roman Catholic fellow-countrymen—"protect them from political religion—save them from designing friends, who would plunge them into agitation and opposition to the laws." In conclusion he entreated hon. Members, who intended voting for this Maynooth grant, for the purpose of affording educational light, to take care they were not creating darkness—who would by it aid truth, to take care they were not disseminating error; who would by it encourage education, to take care they were not poisoning the sources of knowledge—who would by it promote peace, liberality, and mutual good will, to take care they were not rather sowing the seeds of disunion and uncharitableness, the bitter fruits of which we have lately been too largely reaping.

Mr. *Hawes* considered that the objections raised to this vote involved an attack on the very first principles of religious liberty. The hon. Member for Kent had rested his objections on conscientious grounds, and said that nothing could justify the Government calling upon Protestants to pay for the education of Catholics. If this was a sound objection, why did they call upon the Scotch Presbyterian and the Dissenter to contribute to the maintenance the Established Church? The hon. Gentleman, to be consistent, should become a voluntary, and should not interfere with the consciences of others. The objection of the hon. Member was fatal to their calling upon the country to contribute to the State religion, as well as every other religion. The hon. Member who spoke last did not take the high ground of principle that had been adopted by the hon. Member for Kent, but merely dealt with the vote as a question of expediency, and had chosen to call the Roman Catholic priests educated at Maynooth preachers of disloyalty and sedition. The hon. Gentleman said that he had proofs of this: if this was the case, it was a pity that he did not produce some of them, for the satisfaction of the House. He could not conceive any thing more objectionable than raising such an opposition to a vote to provide for the instruction of the priests of seven-eighths of the people of Ireland. They, night after night, voted sums of money for the religious education of the people of all creeds in the colonies, without the slightest objection; and he was astonished at the spirit of opposition manifested to this paltry vote for the education of Irish priests. He did not pretend to say whether this or that religion was right or wrong, for he left such a matter to the determination of the hon. Member for Kent, in his infallible spirit. He must add that he wished that the hon. Member who spoke last, who so strongly declared that he was a Protestant, had called himself a Christian, for his speech certainly showed that he wanted something of the spirit of Christian charity. He was satisfied that her Majesty's Government would not be influenced by the spirit which was manifested in the speeches of the two hon. Members opposite. The right hon. Gentleman at the head of the Government had always given a consistant support to this vote, and he hoped that the milder spirit that had marked the right hon. Gentleman's course would actuate the House.

Mr. *Cochrane* thought that this was entirely a question of expediency, and it was for Parliament to say whether the grant to Maynooth had succeeded or not, and therefore it was for the Parliament to determine whether or not it should be continued. If the principle of the grant was good, they did not give half enough; and instead of voting only 9,000*l.* a-year they ought to give 90,000*l.* a-year; by this means they might create a body of clergymen who would be a blessing to the country instead of a curse. He, however, was opposed to any grant, for as a Protestant he could not conscientiously support a college for the education of priests of a creed opposed to his own.

Sir *G. Smyth*, having been subjected to some obloquy in his own neighbourhood for having used the expression "beastly doctrine," with respect to Roman Catholic tenets, and having been also twitted because of publishing a small pamphlet on the subject, trusted that he might be permitted to say a few words. He agreed with the hon. Gentleman who spoke last, that no improvement had taken place since 1795 in the conduct of the clergymen educated at Maynooth, or in the horror or filthiness of the doctrines taught there. Dr. Crotty, in his evidence given before a committee of that House, admitted that Babin and De la Hogue were class-books of the College, and any person who had read those books would admit that nothing could be more disgusting. He, perhaps, would have no objection to increase the grant, as it might be that an increase would improve the system of education at Maynooth; for his own part, he would be the last to interfere with the religion of others, but he felt it to be his duty to defend his own, and he was satisfied that religion was in danger when the right hon. the Lord Mayor of Dublin used the following words at a meeting of the Catholic Institute:—

> "I wish," said the right hon. Gentleman, "to see the day when high mass will be celebrated in Westminster Abbey; and, from the present appearance of things, that event must take place before long."

Surely, after such a speech as that, the Protestant religion was in danger. It was said that emancipation would render Ireland quiet, but in his opinion, it was the heaviest blow which had been made against the Protestant religion.

Mr. *M. Milnes* could not think that the country or the Church was in such a crisis as to make this vote at all of a dangerous tendency. The extravagant hopes of the right hon. Gentleman the Lord Mayor of Dublin ought not to frighten the House from agreeing to the vote, if they were persuaded that it was expedient on general grounds. So far from believing the present spirit of theology in England was taking the direction of Rome, he believed that it had raised up a barrier against her encroachments stronger than any which had hitherto existed. With respect to the quotations which had been brought to show the objectionable nature of the doctrines taught at Maynooth, objections might be brought in the same way against classical education from the tendency of passages in Catullus and other writers. He felt that this was a subject which the House was not competent to discuss. As to the political question whether the English Government was, or was not, bound to interfere in the education of the Roman Catholic clergy of Ireland, he believed that to neglect that duty, and leave them without any provision for education, would be most cowardly conduct. The greatest, perhaps, of the duties and responsibilities entailed on England by the union was the education of the people. The system introduced by the noble Lord the Secretary for the Colonies, had at least worked well in this way, that it had provided a very good education for the mass of the Roman Catholic population of Ireland, although it might have failed to do so as regarded the Protestants. The miserable pittance they were now about to dole out was far from being all they ought to grant. It was far from being adequate to the fulfilment of the duty of the Legislature; but he believed that under present circumstances the most ardent and zealous friends of the Roman Catholic body in Ireland would not think it safe to demand any increase of the grant. If the objection was that the priests were made too Irish at Maynooth, let the present Government endow a college for them at Rome. He would remind the House of Sir W. Raleigh's axiom,

> "There is nothing so terrible in a state as a powerful and authorized ignorance."

Colonel *Verner* asserted that there never was in any country—certainly not in England—an institution supported out of the public funds against which such strong charges had been brought, and which charges had been so weakly replied to, as the College of Maynooth. Those charges were founded upon certain doctrines which were taught in books that were acknowledged to be class-books in Maynooth. He would say that the Institution which allowed such charges to go forth, and which took no steps either to explain or contradict them, acted a most dishonourable part. With respect to this grant, he would read an extract from a work, entitled *The State in Relation to the Church*, by W. E. Gladstone, Esq., Student of Christ Church, and M. P. for Newark. The right hon. Gentleman said—

> " In amount the grant is niggardly; in principle, it is wholly vicious; and it will be a thorn in the side of these countries so long as it is continued. If, indeed, our faith be pledged to the college, let us acquit ourselves of the obligation."

He, however, denied that the faith of Parliament was pledged to this grant. When the College of Maynooth was first established, the idea was that permission should be given to erect the college, and that those persons for whose benefit it was intended should support it. In 1808, when Sir Arthur Wellesley was Chief Secretary for Ireland, he expressed himself to this effect in the House of Commons, when the grant for Maynooth was under consideration :—

> " The fact was, that when the Maynooth institution was first established, it was not intended that it should be maintained by the public purse."

He afterwards said in reply to Mr. Ponsonby—

> " Whatever might have been the understanding between the Roman Catholics and the Government of which the right hon. Gentleman was a Member, Parliament did not stand committed by any pledge."

It appeared from a return of the amount of subscriptions raised by the Roman Catholics for the support of Maynooth, up to the year 1822, that the sum did not exceed 4,436*l.*; and he thought when the Roman Catholics themselves did not contribute, they came forward with a bad grace to call on the public for assistance. In a letter addressed to the Earl of Shrewsbury by the Lord Mayor of Dublin, he spoke of the Roman Catholic priests of Ireland in these terms:—Alluding to the dioceses of Westmeath and Armagh, the right hon. Gentleman said,

> " There was not a single clergyman in those extensive dioceses who had not sent in his contribution to the Repeal Association. He believed that four-fifths of the priesthood were in favour of repeal."

Lord *Jocelyn* said, he was about to give a vote which would be considered perhaps strange, or even inconsistent; but which would be the result of careful consideration and sincere conviction. He should vote for the grant because it had been for forty years continued, because, although there might be no specific pledge for its continuance, the long prescriptive right gave the Irish people something like a claim; and because the sudden discontinuance might lead to great embarrassment and some hardship to those now studying in the college. At the same time, he hoped the Government would take steps to inquire into the charges made against the college. He would take this opportunity of expressing his gratification at the entire disclaimer, on the part of his noble Friend the Chief Secretary for Ireland, of any intention to cast discredit on the Protestant clergy of Ireland, whom, the more the noble Lord knew of them, the noble Lord would respect and esteem.

Lord *Eliot* confessed that he deeply deplored the revival of a discussion which partook more of the nature of a theological disputation than of a political debate. For forty consecutive sessions had this grant been sanctioned, and nothing in the speeches of to-night had in the least shaken his persuasion of its propriety, while the very men whose authority the gallant Gentleman (Colonel Verner) had cited as opposed to it were in fact the authorities of men who had themselves proposed the grant. The Duke of Wellington, for instance, had proposed it, and by Mr. Perceval it had really been increased, that statesman declaring, that though the principal was bad, yet the faith of Parliament was pledged. In 1795 foreign states had offered facilities for the education of our Catholic priesthood. But it was then deemed very imprudent to leave our Popish priests to receive what would have been a thoroughly revolutionary education, and the arrangement then made had up to the present time been sanctioned and supported by Parliament.

It might be defended either on the ground of propriety or of pledge. It would neither be advantageous nor creditable to leave a large portion of our people wholly without religious instruction. Yet this would virtually be the effect of withdrawing the grant and affording no substitute. The charges made against the institution ought to be substantiated ere they were circulated. In 1825 a commission, after a close examination, reported that there was nothing disloyal or immoral in the instruction administered at Maynooth. Those prurient passages would never have been known had not some persons pointed them out for purposes of their own. He begged to say, however, without raising any invidious comparison, that no people possessed greater moral purity than the people of Ireland, where the priests were in the habit of instituting those inquiries which had been referred to. He should therefore much regret, both on Parliamentary and political grounds, the success of the amendment. He could conceive nothing more impolitic; and if hon. Gentlemen, who wished to maintain the connexion between this country and Ireland should oppose the grant, it would appear to him most extraordinary.

Mr. *O'Connell* said, he had heard some part of the noble Lord's speech with great pleasure, but there was one expression which he would presently allude to, which had given him pain. The debate he was not sorry for; and if he were at liberty after the speeches that had been made to vote against this grant, he should do so on principle, because he thought no one set of Christians should be called on to pay for the religious establishments of another; and that he would apply to Protestants as well as Catholics. The hon. Member for Colchester was fortunate in his researches—

> "How happy I, who was so studious,
> To catch thy lore at Cappoducius!"

He would advise him to take a journey to Oxford. He could produce the last number of the *British Critic*, and there he could find doctrines that would console the hon. Member for Pontefract, who thought he was getting so close to them (the Catholics) that he would be sure to keep away from them. He did not know what had become of the hon. Baronet, the Member for Oxford University; he should not say he had "skulked" away—that was an unparliamentary word, and not true in this instance: but he should be glad to know whether he relished those doctrines. He was sorry the gallant Colonel was not in the House; one, at least, of the three colonels had gone away, though he had not fled. He certainly should have thought the gallant Colonel had come reeking from the battle of the Diamond. The gallant Colonel talked against the Catholic clergy; he would ask him what protection they got from the magistrates in the county of Armagh? Was not the town of Maghera sacked? Were not the furniture and property of the inhabitants consumed? Did not the people fly for their lives? And did not that take place in the presence of the gallant Colonel? And was there any human being convicted for it? When the gallant Colonel, then, stood in such a position before the House, the least to be expected from him was, to have treated lightly the Catholic clergy. They had many provocations; they had much to bear. Was it nothing, too, for the Irish gentlemen now to bring up their sons in bitter animosity and rancour against them? ["No, no."] He said, "Yes," using at the same time some flimsy hypocrisy to cover their malignity, but only to make it doubly dangerous. ["No, no."] Why, were not the foulest accusations made against the Catholic clergy? Was there a crime with which they were not charged? But then part was by insinuation only,—less courageous than by open accusation. "But," said the hon. Member for Londonderry, "I know it to be truth; I can prove them." There was not one of those calumnies but was as false as it was foul, as untrue as it was malignant. He who made such charges against the Catholic clergy was a miscreant, unworthy of civilization. He would tell the hon. Member to pack up his charges. He had begun life badly, he began by bringing charges against an esteemed clergy, a clergy beloved by their flocks, a clergy who, when pestilence was abroad, when famine threatened, when death was coming on, when every one else fled, stood by and gave consolation to the people. The typhus fever never appeared in Ireland but hundreds of the Catholic clergy died from their attention to the sufferers; and yet the hon. Member could make such charges against them. Shame upon those who educated him; and yet they were told that these doctrines were creditable!

Was not the evidence of every committee which had sat on subjects connected with Ireland for the last thirty years to this effect, that there was no population on the face of the earth who observed all the moral and charitable duties better than the people of Ireland? They were a moral and a religious people. The hon. Member said he never stated the reverse. No. He had only stated that they were educated in obscenity; but it was only in his own filthy and beastly imagination. ["Order."] He begged pardon; it was in the hon. Member's reading, not his imagination; it was in his own study and literature only that he could have made such a discovery. He observed that some of the Gentlemen on the Treasury bench cheered the young Gentleman when he sat down. The people of Ireland would hear of this with surprise and no small disgust. The noble Lord (Lord Eliot) must perceive what kind of party in Ireland this was of which he was the head, but which he regretted that the noble Lord did not lead. He should be sorry to say one ungracious word of the noble Lord, for he was sure the noble Lord did not deserve it; but he wished the noble Lord were able to manage that party which was now seeking to control and govern him. It was an unhappy party. Why did they not attend to their own religion? Why did not they say their own prayers? The gallant Colonel stated that those charges had been made against the doctrines taught at Maynooth, and that they had never been answered. Why, they were the doctrines that were taught throughout the Catholic world. Every controversialist had made the same charges, and whether they were refuted or not, the Catholics had not diminished in the combat. The gallant Colonel said they were immoral. On this point he was ready to meet the gallant Colonel on any fine morning, and probably the hon. Member for Kent would be able to get the use of Exeter-hall for the dispute; but the College of Maynooth and its professors looked with a sovereign disregard, which did not rise to the dignity of contempt, at these charges made against the faith of an overwhelming majority of the Christians throughout the world, against the faith which had remained unchanged in Ireland, against the faith of the ancestors of every one now present. He had rather this sum of 9,000*l.* was flung to the dogs than that it should be made the subject of this discussion; but when the Catholics were challenged, it was not for them to shrink from the combat. He had heard no accusations, except such as were vague and general, and involved in indefinite terms. They could only be met with an indignant and contemptuous denial. Why, instead of general charges being made, were not attacks made on individuals, and then they could be refuted? He felt it his incumbent duty to fling back these calumnies against the Catholics with scorn and contempt. They might be assailed, but the time would never come when they would be conquered.

Colonel *Verner* understood that during his absence from the House the hon. Member for Dublin had referred to circumstances which had occurred at Maghera, and insinuated that he had taken a part.

Mr. *O'Connell* said, he would repeat his statement. What he said was, that the village of Maghera was sacked in the gallant Colonel's presence; but he did not say that the gallant Colonel had taken a part in the proceedings. Not a single individual, however, had ever been punished for the outrage to the present day.

Colonel *Verner* said, that if no party was punished, that was no fault of his. He had risked his life on the occasion, and seeing a man about to burst open a door with a stone, he had placed his back to the door, though by doing so he ran the danger of being seriously wounded. For this he had been persecuted by the late Government for seven years, at the end of which he was deprived of his commission, which he had held for thirty-two years. He defied any man to say that there had been anything improper or discreditable, or any impartiality in his conduct as a magistrate and a justice of the peace.

Mr. *O'Connell* said, that not one word of his charge had been disproved. He had not stated one syllable more than the gallant Colonel himself. But who were the parties that sacked the place? The Orange yeomenry of the north of Ireland, and the gallant Colonel held a high office, among them for many years, though at that time he had ceased to possess it.

Mr. *Bateson*: It is most painful to me to be thus obliged,—to be thus compelled, I say, to rise, and notice the coarse invective to which the right hon. Gentleman, the Lord Mayor of Dublin, has just given utterance. He has thought right to make a most uncalled for attack on a near relative of mine, lately a Member of this House, and he mentioned the word "miscreant." He has used most coarse terms with respect to the manner in which he brought me up. I will not take the trouble to contradict these imputations,—for the House knows their value. And to the House I will leave the character of my relative. Neither will I tell the right hon. Member how I have been brought up; but I will tell him what my relative did not bring me up to be. He did not bring me up to become a cowardly blusterer, or a mendicant hypocrite; he did not bring me up to be one whose only arguments are appeals to the worst passions of the mob, or one whose abuse is the strongest praise.

Mr. *O'Connell* said, he perfectly forgave the young Gentleman. ["Order."] In what respect was he out of order? Unless the young Gentleman's memory was bad, he would recollect that he had had ten times as much abuse poured on him, and he was never prouder than when he received it from the young Gentleman, who had given an admirable specimen of what might be expected from him. He had served his country; he had done his duty at a time when a calumnious spirit, and a spirit of unchristian malignity protruded themselves; and he threw back with sovereign disregard the imputations of those who calumniated his creed, and perhaps hated his country.

Mr. *Campbell* entreated hon. Members not to be led away by the unfortunate turn which the debate had taken. Credit had been refused to the hon. Member near him for making an honest and honourable speech; it was to be hoped that the noble Lord would take that as a specimen of the sort of maintenance which he might expect from the party who supported him on the present occasion.

The House divided:—Ayes 95; Noes 48: Majority 47.

List of the Ayes.

Acland, Sir T. D.
Aglionby, H. A.
Ainsworth, P.
Aldam, W.
Baillie, Col.
Baring, hon. W. B.
Bentinck, Lord G.
Berkeley, hon. Capt.
Boldero, H. G.
Bowring, Dr.
Brotherton, J.
Bruce, Lord E.
Cavendish, hon. G. H.
Clements, Visct.
Clive, E. B.
Cockburn, rt. hn. Sir G.
Colborn. hn. W. N. R.
Corry, right hon. H.
Courtenay, Lord
Cowper, hon. W. F.
Crawford, W. S.
Damer, hon. Col.
Denison, E. B.
Douglas, Sir C. E.
Eliot, Lord
Escott, B.
Ferguson, Sir R. A.
Flower, Sir J.
French, F.
Gaskell, J. Milnes
Gill, T.
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Gore, M.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Hamilton, W. J.
Hardinge, rt. hn. Sir H.
Hawes, B.
Henley, J. W.
Herbert, hon. S.
Hervey, Lord A.
Hill, Lord M.
Howard, P. H.
Jermyn, Earl
Jocelyn, Visct.
Knatchbull, rt. hn. Sir E.
Knight, H. G.
Lambton, H.
Langston, J. H.
Lascelles, hon. W. S.
Leicester, Earl of
Lemon, Sir C.
Lincoln, Earl of
Lindsay, H. H.
M'Geachy, F. A.
Mangles, R. D.
Manners, Lord C. S.
Milnes, R. M.
Muntz, G. F.
Newport, Visct.
Nicholl, right hon. J.
Norreys, Lord
O'Brien, J.
O'Connell, D.
O'Connell, M. J.
Paget, Lord A.
Palmerston, Visct.
Pechell, Capt.
Peel, right hon. Sir R.
Peel, J.
Philips, M.
Plumridge, Capt.
Pulsford, R.
Rous, hon Capt.
Sheil, right hon. R. L.
Smith, rt. hon. R. V.
Somerset, Lord G.
Somerville, Sir W. M.
Stanley, Lord
Stansfield, W. R. C.
Stewart, J.
Sutton, hon. H. M.
Tancred, H. W.
Thornley, T.
Tufnell, H.
Vane, Lord H.
Wawn, J. T.
Wilde, Sir T.
Wodehouse, E.
Wood, B.
Wood, G. W.
Wyse, T.
Yorke, H. R.
Young, J.

TELLERS.

Fremantle, Sir T.
Clerk, Sir G.

List of the Noes.

Allix, J. P.
Antrobus, E.
Archdall, Capt.
Blackburne, J. I.
Bradshaw, J.
Buck, L. W.
Buller Sir J. Y.
Burroughes, H. N.
Campbell, A.
Chetwode, Sir J.
Clayton, R. R.
Codrington, C. W.
Colvile, C. R.
Duffield, T.
Fitzroy, Capt.
Efolliott, J.
Forbes, W.
Fuller, A. E.
Gladstone, T.
Goring, C.
Grogan, E.
Hamilton, Lord C.
Hardy, J.
Hodgson, F.
Hughes, W. B.
Kemble, H.
Lefroy, A.
Lockhart, W.
Lowther, J. H.
Mackenzie, T.
Mackenzie, W. F.
Mainwaring, T.
Masterman, J.
Morgan, O.
Mundy, E. M.
Newry, Visct.
Packe, C. W.
Polhill, F.
Rushbrooke, Col.
Russell, J. D. W.
Sibthorp, Col.
Smith, A.
Smyth, Sir H.
Stuart, H.
Tollemache, J.
Tyrell, Sir J. T.
Verner, Col.

TELLERS.

Plumptree, J. P.
Bateson, Sir R.

The House resumed. The chairman reported progress.

Committee to sit again.

South Australia.] On the question that the report on the South Australia Bill be brought up,

Dr. *Bowring* protested against their proceeding with the bill at that hour in the morning. The hon. Member for Montrose was desirous of making some observations on the bill, and he was not then in his place. He must persist in insisting upon the postponement of the bill.

Mr. *B. Wood* said, that he concurred in the motion of the hon. and learned Member, and would support it.

Colonel *Sibthorp* said, that he hoped the noble Lord would press the bill. It would teach the hon. Member for Montrose a lesson. The hon. Member for Montrose ought to have been in his place, if he wished to oppose the bill.

Lord *Stanley* thought that the opposition to the bill was most unfair. The bill had been introduced as early as seven o'clock the other evening, and had undergone a full discussion. Every opportunity had been afforded for the discussion of the measure, and he therefore must persist in proceeding with it.

Dr. *Bowring*: Sir, I move the adjournment of the debate.

The House divided on the question that the debate be adjourned:—Ayes 1; Noes 59: Majority 58.

List of the Ayes.

	TELLERS.
Brotherton, J.	Wood, B. Bowring, Dr.

Report received. Bill to be read a third time.

House adjourned at half-past two.

HOUSE OF LORDS,

Thursday, July 21, 1842.

Minutes.] Bills. *Public.*—$1^{a.}$ Election Trials; Prisons. $2^{a.}$ Militia Savings Banks; Chelsea Hospital.

Committed.—Fisheries Treaties Continuance; Slave Trade Treaties Continuance; Militia Ballots Suspension; Districts Courts and Prisons; Turnpike Trusts.

$3^{a.}$ and passed:—Lunacy.

Petitions Presented. By the Duke of Sutherland, from Halifax, in favour of the Mines and Collieries Bill.

Adjourned.

HOUSE OF COMMONS,

Thursday, July 21, 1842.

Minutes.] Bills. *Public.*—*Committed.*—Grand Jury Presentments (Ireland); Manchester, Birmingham, and Bolton Police; Assessed Taxes; Lunatic Asylums (Ireland).

Reported.—Licensed Lunatic Asylums; Customs Acts Amendment; Exchequer Bills Preparation.

$3^{o.}$ and passed:—South Australia.

Private.—$3^{o.}$ and passed:—Lord Sherborne's Estate; Gibson's Estate.

Petitions Presented. By Sir R. Inglis, from the Tower Hamlets, against a further grant to Maynooth.—By Mr. Villiers, from Girvan, and a Conference Meeting in Palace-yard, for a Repeal of the Corn-laws.—By Sir G. Rose, from Christchurch, Evesham; and by Mr. Aldam, from Churwell Unions, against the Poor-law Amendment Bill—By Mr. Hawes, from Putney, for the Redemption of the Tolls on the Metropolitan Bridges.—By Mr. Forbes, from Colliers of Falkirk Moor, for Alteration in the mode of Weighing their Work.—From Marylebone, for the Establishment of Home Colonies.—From Warrington, for Medical Reform.—From the Grand Jury of Antrim, against placing Medical Charities (Ireland) under the control of the Poor-law Commissioners.—From J. Beaumont and Son, against the Tobacco Regulations Bill.—From Rochdale, in favour of the Bill for protecting her Majesty's Person.—From Loanhead Colliery, Edinburgh, against the Mines and Collieries Bill.—From Downham Union, for rating the Owners of Small Tenements.—By Captain Pechell, from Sarah Esther Ricketts, complaining of the Reduction of the half-pay of Lieutenant Bevan, while in the Lunatic Asylum, Haslar.

The Stade Duties.] Sir *R. Peel*, seeing the hon. Member for Gateshead in his place, who had a notice on the paper with reference to certain duties which were the subject of negotiation between her Majesty's Government and that of Hanover, begged to state that it would be quite out of his power, consistently with a sense of public duty, to enter upon the discussion. The negotiations were in such a state that he could not remark upon them without producing detriment to the public service, inasmuch as he should divulge the claims of our Government. He had reason to believe (though he could not, of course, speak confidently on a matter which was not finally settled) that those negotiations would be brought to a close in a short time; and their progress must be prejudiced by any discussion regarding them. He must leave it, then, to the discretion of the hon. Gentleman, whether he should, under the circumstances, deem it right to press his motion.

Mr. *Hutt* should be very unwilling to take any course which was detrimental to the public service; but at the same time he must say that he understood those negotiations were conducted on a basis which was likely to render them extremely prejudicial to the interest, rights, and honour of this country. He considered it his duty, then, to enter upon a statement respecting them; and he must say he was extremely desirous that, before any treaty was concluded, some expression of the opinion of the House should be given on the subject.

Sir *R. Peel*: All I can say is, I shall not be tempted to break that reserve which I consider it essential to preserve. The hon. Gentleman can of course make any statement he chooses; but her Majesty's Government must maintain a perfect silence on the subject.

Mr. *Lambton* hoped, as the Prime Minister had stated that to bring on this motion would be prejudicial to the interests of the country, that his hon. Friend would not press it.

Mr. *Hume* was as anxious as his hon. Friend that this matter should be discussed; but if he pressed it under the circumstances, the effect must be to place those who were anxious to support him in an awkward situation.

Viscount *Palmerston:* I readily admit there is great force in the reason stated by the right hon. Baronet for not entering on this discussion, namely, that he canno, consistently with his duty, discuss matters which are the subject of a negotiation now going on; but I think my hon. Friend has much to say in justification of his desire to make a statement on this subject. The subject has been frequently before the House, and the late Government never objected to the discussion on the ground that the question was pending between the Governments of Hanover and of England. But the case has assumed an aspect which justifies my hon. Friend in especially urging his views now, and drawing the attention of the Government to the question, because he has reason to believe, and entertains no doubt on the point, that the present Government is prepared to abandon claims which he thinks should be maintained, and thereby occasion great prejudice to the commercial interests of the country, unless the negotiations are prevented from being conducted on such a basis. It is quite clear, that to postpone the discussion until the bargain is made, and we are subjected to those duties, may be a convenient course for the Government, but would be of no sort of benefit to the interests of commerce.

Sir *R. Peel:* I again repeat I feel positively precluded from stating the views of the Government. What must be the effect of my doing so? Would not those who conducted the negotiations on the part of Hanover immediately refer to my opinion, which may perhaps unsettle everything which had been agreed upon? I must submit to whatever misconstruction this course exposes me. The hon. Gentleman asks for the correspondence which has taken place—to produce it pending the negotiations is absolutely impossible.

Mr. *Hutt*: I understand that Lord Aberdeen stated to the Hanoverian Minister, immediately on his accession to office, that in regard to the Stade tolls he adhered to the policy of his predecessor. Now, if the right hon. Baronet is prepared to say that her Majesty's Government are prepared to continue the negotiations upon that basis, I will acquiesce in the proposal of my hon. Friends, and withdraw my notice of motion.

Sir *R. Peel*: I can give no pledge or explanation on the subject.

Mr. *Hutt*: Then, whether I withdraw my motion or not, I must take the opportunity of saying a few words on the subject of the pending negotiations. I trust that the circumstance of my having been engaged for some years in bringing this matter to a satisfactory adjustment, and my belief, founded on information I have received, that her Majesty's Government are treating with the Crown of Hanover on a basis not only inconsistent with the policy of my noble Friend, but also inconsistent with their own declarations, and with the rights and the honour of England, will be a sufficient apology to the House for the course I am pursuing. Lord Aberdeen, on accepting the seals of the Foreign Office, signified to the Government of Hanover that he adopted the policy of my noble Friend in regard to the Stade question. Now, what was the policy of my noble Friend? The noble Lord, after a careful consideration of the question, came to a conclusion that the Government of Hanover was entitled to the benefit of the Swedish treaty of 1691, and that Hanover was, therefore, justified in collecting tolls on the Elbe, in accordance with the provisions of that treaty, and of the tariff afterwards annexed to it. That is, Hanover was entitled to levy on British shipping passing up the Elbe a small toll on each vessel, and a maximum toll of one-sixteenth per cent. on the value of the cargoes. You may think that these terms are not sufficiently liberal towards the King of Hanover; but be pleased to recollect, that this was no discovery of my noble Friend, this was no new doctrine—it was the doctrine adopted by Denmark at the convention of Dresden, and ever since adhered to by that Government. It was the doctrine of Hamburg on the same occasion, and which, to this hour, the Senate of that enlightened State has lost no opportunity of insisting upon. It is the deliberate judgment of Prussia. It is the opinion of Austria. You may regret the policy of Lord Palmerston. You may award higher duties on British manufactures to the government of Hanover than my noble Friend would ever agree to, but permit me to tell you that, in so doing, you will oppose, not the policy of my noble Friend only, but the policy of every statesman and government in Europe that has ever pronounced an opinion on the subject? Are you prepared to adopt such a course? I hope not. I cannot but infer, even from the statements of the right hon. Baronet, by which he has deprecated any discussion on the question, that he will not gratify Hanover by any such sacrifice of British interests. I do not wish to press him to any premature disclosures of his policy, but I feel that I should not be doing justice to myself, nor justice to those parties who have entrusted this question to my hands, if I did not protest against any concession to Hanover which will involve a departure from the terms and spirit of the Swedish treaty. I have now made my last struggle for justice to Britsh commerce and navigation, in regard to the Stade tolls. Before Parliament is again assembled, it is probable that the treaty now in contemplation with Hanover will have been formally concluded. Remonstrance will then be too late. I can only say, that if negotiations with Hanover be concluded on the present footing, if this plain question be disposed of on a principle of compromise, that the right hon. Baronet will have taken a part fatal to the reputation of his Government, and most injurious to the interests and honour of his country. I shall say no more.

THE MAGISTRATES OF CHELTENHAM.] Mr. *C. Berkeley* said, that the right hon. Secretary for the Home Department had made a statement, in answer to a question from the Member for Bath, with reference to the magistrates of Cheltenham, respecting a person named Holyoke, at which they felt much hurt. He was directed on the part of the magistrates who composed the board of petty sessions at which the conversation complained of took place, to ask the right hon. Baronet whether he had any objection to print the correspondence with the votes: and in case the right hon. Baronet objected, he was authorized to state that the magistrates were willing to submit the correspondence to the hon. and learned Member for Bath.

Sir. *J. Graham*: The hon. Gentleman has quoted a most correct report of what had passed. I said, that some irregularities took place, but I did not attribute them to the magistrates. I must decline ordering the correspondence to be printed with the votes.

INDIAN FINANCE—AFFGHAN WAR.] Mr. *Hume* had a notice on the paper for the production of the correspondence between the Board of Directors of the East India Company and the Government on the subject of Indian finance, in reference to the expenses of the Chinese and Affghan wars. The East India Company thought that as the Affghan war had been undertaken for British purposes, the nation ought to bear the expense of it; and he believed the directors had addressed the Government on the subject. The right hon. Baronet, too, had, in bringing forward his budget, alluded to the subject of Indian finance, and therefore it was of importance that the House should be in possession of information on the subject. He (Mr. Hume), however, had understood from the Board of Control that the correspondence was still going on, and that it would prejudice the public service if it were produced at present. Under these circumstances he would withdraw his motion.

Sir *R. Peel*: The hon. Gentleman has alluded to some observations of mine with reference to Indian finance. I certainly did state that there was a great deficiency in the finances of two portions of our empire. I stated the domestic deficiency at 2,500,000*l*, and I said also that, taking the two last years in India, there was a deficiency there of 2,400,000*l*. I added that, though it was then impossible to enter into a consideration of Indian finances, yet the state of those finances rendered it still more desirable to maintain the public credit at home. I did not, however, say, that the Indian Government had made any claim on the English Government for the expences of the wars to which the hon. Gentleman has alluded.

Mr. *Hume:* I did not say that they made any claim, but that the Court of Directors thought they had such a claim.

HASLAR LUNATIC ASYLUM.] Captain *Pechell* called the attention of the House to a petition from Mrs. Charlotte Forbes, presented on the 5th of July. It set forth,

> "That the insanity of the petitioner's husband was produced from the severe service to which he had been exposed on the coast of North America, and in the operations against New Orleans, in the winter of the year 1815, which so impaired his health, that on his return to England he was attacked with lunacy.
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> "That he had the affliction to lose the sight of both eyes, from the effect of illness acquired whilst crossing the Isthmus of Darien.
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> "That he was admitted into Haslar Royal Lunatic Hospital in 1826, where he still continues; and that up to 1831 a moiety of his half-pay was deducted by the Admiralty for his support, which on afterwards being found to be a sum far greater than the proportion of the expense incurred for that purpose, 1*s.* 6*d.* per day has been deducted since that time as the actual cost of his maintenance; and the petitioner submits to the House that her said husband should have been received into Haslar Royal Lunatic Hospital without any charge for maintenance being made.
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> "She therefore prays that the House of Commons, with its usual equity and liberality, would provide that her unfortunate husband may be supported, for the future, free of expense, and that restitution may be made to her of the amount deducted from his half-pay for that purpose from 1826."

The hon. and gallant Member enforced the statements contained in the petition, and expressed a hope, that at length justice would be done in this case. He concluded by moving for returns of officers admitted into Haslar Lunatic Asylum since 1819, and of the deductions made from their half-pay.

Sir *G. Cockburn* said, it was only as a matter of indulgence that this officer had been taken into the lunatic asylum at all. On such occasions it was customary, if the officer was unmarried, to give the whole of his half-pay for his maintenance in the asylum; and if he was married, to apply only one-half of his half-pay in such a manner to his maintenance, and to pay over the remaining moiety to his family. In the year 1826, the friends of this officer applied to have him received into the asylum, subject to these rules, which had since, in 1831, been mitigated. To give back these arrears now would impose a heavy burden on the public, as no less than 700 officers had been received into the asylum subject to the same regulations. He did not think the subject a fit one to be discussed in the House of Commons.

Sir *C. Napier* thought the argument that there had been 700 sufferers, a very poor ground why these arrears should not be returned. If there had been so many as 700 naval officers in the lunatic asylum, he had no doubt the greater part of them had been driven mad in consequence of having had withheld from them the promotion to which their services had given them a good claim.

Mr. *Hume* thought the sum so paltry that he was surprised the subject had ever been allowed to come before the House. He thought the money ought never to have been taken from the wife.

Mr. *Sydney Herbert* bore testimony to the great anxiety of the hon. and gallant Admiral to investigate every case of hardship brought before him, and to do all in his power to obtain justice for every officer who appeared to have been aggrieved. There was, however, the less hardship in the present case, because the regulations had been in force before the gentleman in question had been received into Haslar. In a case of compassion, it became a matter for the consideration of the Government to determine how far they could gratify that feeling consistently with their sense of duty towards the public service.

Motion agreed to.

DISTRESS—RE-ASSEMBLING OF PARLIAMENT.] Mr. *T. S. Duncombe* said, that previously to bringing forward the motion of which he had given notice, he wished to explain the reason that had induced him to present it in rather a different form to that he had originally given notice of. His original notice was for a motion to limit the supplies to a period of three months, and the object of that notice and that motion would have been to compel, if possible, her Majesty's Government to re-assemble that House in October next, in the event of no decisive amelioration taking place in the condition of the people before the winter should arrive. On a former evening, when the House was about to go into supply, the right hon. Baronet the Member for Tamworth had expressed a wish that he should, if possible, submit that motion in a different form, and on a different occasion, so as not to obstruct or delay the supplies. In compliance with that request, he had framed his motion in the form in which he was now about to submit it to the House. But here he must take the opportunity of saying that no thanks were due from him to her Majesty's Government for there being a House on the present occasion, so as to enable him to bring forward his motion. It was true the right hon. Baronet the Member for Kent was in the House, after thirty-six Members had assembled on his (Mr. Duncombe's) side of the House. Here too let him say, that although his side of the House had been frequently complained of for obstructing the public business, those charges were totally unfounded, If there had been an error on that side of the House, it had been an error of forbearance. What was the opinion out of doors? What was the opinion of the people in Liverpool, in Manchester, in Paisley? What was the opinion in places where, within the last few days, meetings had been held, in which resolutions were passed desiring their members to obstruct the course of the proceedings in that House, until some remedial measures should be adopted. He might justify far more obstruction, and tenfold greater delay on the part of the present opposition than had really been offered, by the precedent that had been set by the former opposition in the last session of the preceding Parliament. How many opposition motions were then discussed night after night, and for nights together? There was the question of the sugar duties; eight nights were consumed on that when the late Government introduced their measure to give the people cheap sugar. A motion was brought forward against that proposition which, as he had said, lasted eight nights, and had given the opportunity to those who had been the steadfast opponents of slavery to come down and vent forth their fears and apprehensions that slavery would be increased if the people had cheap sugar. Then there was the vote of no confidence in the late Ministry. That debate took five nights, and thus the public business was delayed thirteen nights by such proceedings on the part of the opposition. Had any thing of that character occurred during the present session? The only motion of the kind was that of the hon. Member for Greenock, which had taken up three nights, and consequently elicited the most bitter complaints of the delay of the public business. But, to be sure, the motions of last Session were party motions, having for their object the carrying of hon. Gentlemen opposite into Downing-street, whereas the motion of the hon. Member for Greenock was a broad national motion, having for its object the consideration of the distress of the people of this country. He hoped, then, he should hear no more of these charges of delay brought against hon. Members sitting on that (the opposition) side of the House. In submitting his motion to the House he should not detain them by entering into heart-rending details of the distress which existed throughout the country; nor should he enter upon the subject of the Corn-law, which had been so amply discussed during the present Session by hon. Members more competent to handle it. His object was to warn that House and her Majesty's Government, but more particularly the country gentlemen who sat in that House, of the dangers which he believed beset them and their properties at the present moment. He believed that, great as the alarm in the country was, if any one thing more than another increased that alarm in the minds of reflecting men, it was the total apathy and indifference shown by the great majority of that House to the distresses of the people, What were they about to do? To separate at a moment when the peace and tranquillity of the country were not, as he believed, worth forty-eight hours' purchase. They were about to separate as if peace and plenty and contentment reigned over the land, whereas, if they knew anything of the real state of affairs, they ought to know that the state of the country was diametrically the reverse. What had happened at the commencement of the present session? At the opening of Parliament the House was told in her Majesty's Speech that the privations of the people had been great, and had been borne with the utmost patience and fortitude. Had those privations been in the least degree mitigated, abated, or diminished? Had they not, on the contrary, increased greatly, and were they not increasing still? Yet, what had they done? His hon. Friend had brought forward a motion asking them to institute inquiry into the state of the distress of the people. Then they quibbled, and entered into special pleadings about the form of the motion. His hon. Friend then told them that, as his object was inquiry only, he was willing to alter the terms of his motion. But they refused anything in the shape of inquiry, nor told what remedies they had in store. Then his hon. Friend, the Member for Aberdeen, offered to them a power that had been taken by but few Governments—he offered them the opportunity of opening the ports, so that if the distress should not be alleviated they might afford some relief by giving bread to the people. That, too, they had refused. The next motion was that of the hon. Member for Wolverhampton. He had asked them to go into a committee, for the purpose of taking the Corn-laws into consideration, with a view to their being repealed. They had scouted the very idea of such a proposal, and defeated the motion by a large majority. He then asked what was to be done to relieve the distress of the country and improve the condition of the people? If any persons were more to blame than others, they were the hon. Gentlemen sitting opposite. In last May they had been told of the distressed condition of the country, and that greater distress was approaching. They did not, they would not believe it, and treated the warning slightingly. The right hon. Gentleman the Chancellor of the Exchequer said, "Leave things alone." The plain fact was, that the distress of the country occupied the minds of those Gentlemen not at all. Their thought was of Downing-street, and now they were seated there, he wanted to know what they were going to do. The hon. Member for Whitehaven had told them, and rightly, that they had no right to take office unless they were prepared to remedy the evils that prevailed. And what were to be the remedies? The noble Lord the Secretary for the Colonies had given a list of the supposed causes of the distress, but he believed the whole of the distress was attributable to that party to which the noble Lord belonged, and which was commonly known by the name of the Tories. If they had supported the liberal measures that were proposed last year, much of the distress might have been avoided, if not altogether alleviated. Hon. Members who represented manufacturing districts were shortly about to return to their constituents, and what were they to tell them? Why, unless this night they gained some assurance from the Government, they would have no consolation whatever to offer to their constituents. They could say no more than that Parliament had separated without offering any remedy for the distresses of the country, and was not likely to meet again till the usual period. But an agricultural Member, on the contrary, would have a very good answer to give to the inquiries of his constituents. He could say, "We have passed a corn bill which, as the hon. Member for Berkshire told his constituents, is all a delusion as regards diminishing protection to agriculture." And that would be true, for the new law had, if anything, perpetuated the injustice they had thought proper to inflict upon the English people. The agricultural Member, then, would be thanked by his constituents, because, in point of fact, nothing whatever had been done. But what was to be the remedy for the distress? He would like to know from the right hon. Member for Kent whether his present remedy was that Poor-law which last year he had denounced as arbitrary and unconstitutional? Or he would be glad to hear what was to be the remedy of the right hon. Baronet, the Secretary of State for the Home Department. Was it calling out the police and the yeomanry, and enacting such scenes as those in which he had observed the Staffordshire magistrates had played a conspicuous part? He did not see the Secretary at War in his place, or he would ask that right hon. and gallant Gentleman whether his remedy was to be the bayonet. As for the right hon. Gentleman the Chancellor of the Exchequer, he would propose to "leave things alone." Then the right hon. Baronet the First Lord of the Treasury might say, "We have got our Corn-bill, our Income-tax, and our tariff, and let us see the effect of those measures." Aye, what was the cousequence of those measures. As for the Income-tax, its locusts were already overspreading the land, and doing their dirty work. The dividends had been stopped at the Bank, and now he wanted to know where was the compensation in cheaper food and cheaper living, promised by the right hon. Baronet? It could not be found. The Income-tax was retrospective; but all the benefits of the tariff appeared to be very remote. Then the right hon. Baronet at the head of the Government had promised to the right hon. Baronet the Member for Oxford, Church extension—Church extension to feed a starving people! As the right hon. Gentleman had given an answer to the hon. Member for Oxford on that point, it was to be hoped he would give one to the people in regard to their distresses, as satisfactory to them as the other reply was to the hon. Baronet and the Church generally, that Church which he wished felt a little of the distress which prevailed among the manufacturers. Her Majesty's Government looked forward to an early and abundant harvest, as if that were to be a cure for the distress. Shortly there would be another Speech from the Throne, closing the Session, and allusions would probably be again made to the patience of the people under their privations. The right hon. Baronet had said that he expected the people would maintain peace and order, out of respect to the power of the law. Upon that he would read to that House a report that had been made to him by one of those much-maligned people, the Chartists; a person who in consequence of there being an outbreak in a manufacturing district near Birmingham, was sent down there by the council of the Chartists to dissuade the people from committing any outrage. He did so far succeed; and his report was worthy the attention of the House. It was as follows:—

"The peaceful conduct of the people is not, as Sir R. Peel declared, to be attributed to 'their respect for or fear of the law,' for these people generally believe existing laws, and the present Legislature, to be extremely bad. But their quietude is solely attributable to the hope they have hitherto entertained—that a peaceful change would ere long be effected. Yet the recent votes of the House of Commons have greatly diminished this hope, and the suffering people are now falling into despair; and a murmur runs among them that 'they must help themselves.'"

He would also quote an extract from a speech delivered at a public meeting, The hon. Member read as follows:

"There he beheld able-bodied men, fathers of families, absolutely crying bitterly, to think of the wretchedness of their lot. Many of them were without food for days together, and their children's existence prolonged by picking scraps from the streets, begging the offals from the tables of the more wealthy, whilst many committed petty thefts, to be imprisoned and gain the support afforded by gaols. In Chorley a poor boy went to a minister of the gospel to ask relief; on being refused he broke a window, saying, whilst engaged in the act, 'I'll get food and shelter somehow!' Serious assaults upon property have been meditated, and only repressed by the efforts of those too often in scorn, styled the 'physical force Chartists.' The people scoff at the Queen's charity letter, and say they need justice, not charity. They are restless for a radical change in their representative system, without which they believe destitution will ever be their lot. In Loughborough an attempt was made by the masters to raise the rents of the frames used by the stocking-knitters. Those who formerly paid 1*s.* 5*d.* per week were to pay 1*s.* 6*d.*, 1*s.* 6*d.* to pay 2*s.*, and so on. The stockingers are in a most destitute condition, few of them earn more than 4*s.* 6*d.* when in full employ. Consequently they met in a body, determined to resist the encroachment, and the masters, becoming alarmed, relinquished the attempt, but declared that the prospect of Peel's Income Tax had driven them to it, and would do so again. In this place a man went to seek employ, and was offered knitting work at 1*s.* 4*d.* per dozen pairs. He would have to work fifteen hours per day six days, to make seven dozen, for which he would receive 9*s.* 4*d.* Then would be deducted for frame-rent 2*s.*, seaming 1*s.* 9*d.*, winding cotton, 9*d.*, needles and oil 3½*d*, leaving 4*s.* 5*d.* for his week's hard toil. Experienced workmen have declared these calculations much under the mark. The same man went to a minister of the parish and asked relief; he told his distress, when the minister replied, if that were his lot he would break the frames to pieces. The minister then sought to procure this man a free passage to New Zealand, but was unsuccessful, the vessel being full. The best artisans, who can by the sale of any articles they possess, raise the means, are leaving the country. As an instance, upwards of sixty have recently left the town of Trowbridge, in Wiltshire, and gone to America. They were the most sober, honest, and intelligent men of the place. Were those the persons they wished to lose, or did they seek only to retain the infirm, the aged, the impotent, and the dissolute?"

But it might be said that that report proceeded from the Chartists, and therefore he would next read to the House a speech made no longer ago than yesterday at the Anti-Corn-law Conference, by a gentleman who he understood was a high Tory, Mr. Holland Hoole, the boroughreeve of Salford. That Gentleman said—

"He had no very particular information to communicate to the meeting; all he could tell was that matters had gone on from bad to worse. He was deputed to attend a meeting of the merchants in the city, and he, as a large manufacturer, would simply ask them on what terms it was possible for men to carry on this course and employ 700 or 800 men? The strong probability was, that there would be an outbreak throughout a large extent of the manufacturing districts in the ensuing winter, unless remedial measures were adopted. He felt it hard to state that a number of the district magistrates, apprehending this outbreak, were determined to resign their commissions, and not to permit themselves to be the tools of the aristocracy. The peace of the country is still preserved, because the people still hope that something may be done to alleviate their misery. His position as chief magistrate brings before him instances of poverty and suffering which cannot come before other people."

That was a statement made by a gentleman entertaining political opinions similar to those of hon. Members opposite. In Bilston, last week, though the town was comparatively tranquil, hundreds of distressed and starving people were in the streets. They went into a baker's shop, and taking from thence a table, they placed it in the middle of the road, and having taken out the bread, they divided it amongst them all, and having eaten, they returned the baker his table. Was that a state of things that was to continue throughout the winter? Trade was languishing, people were unemployed, the winter was approaching, and he would ask what was to be done? What had the hon. Member for Oldham told them? That within the last eighteen months he had employed between 2,000 and 3,000 persons, and during that period had paid them 50,000*l.* more than their labour was worth; and he had told them also that he believed if the Corn-law was repealed, he should be able to continue to employ those persons; but if not, he could not. Why was that hon. Member to lose another sum of 50,000*l.* during the next year and a half, and continue to make such a sacrifice to please the agriculturists of England? What sacrifice had they made equal to that of the individual alluded to? But the people were told they were to have an abundant harvest, and the right hon. Baronet had said that it had already commenced in Essex. He believed that might be partially the case, but it was nothing like general. What had been said by their oracle, the *Mark-lane Express,* on Monday last, with respect to this abundant harvest? Here was the article:—

> "When we last addressed our readers, the weather had a decidedly unsettled appearance, and apprehensions were already beginning to be entertained respecting the effects a continuance of rain might have upon the growing grain crops; these were, however, soon dissipated, the rain having ceased, even before our paper went to press. Since then the weather has been all that could be desired: and where the crops were partially laid by the high wind and heavy rain of the preceding week, they have again recovered an upright position, and the moisture with which they have been supplied has, therefore, been productive of much more benefit than injury. Under these circumstances, it is reasonable to infer that the yield of wheat will prove somewhat more productive than, a short time ago, expected; for, notwithstanding the undoubted thinness of the plant, such weather as we have, during the last month, been favoured with, must have done much to overcome previous defects, and we are disposed to think that long, well-filled, and thick-set ears will, to a considerable extent, compensate for the deficiency of plant; but even with all these advantages, and a continuance of auspicious weather from this time until the conclusion of harvest, we doubt whether an average produce will be secured, so extensive and general were the complaints of injury suffered by the seed, from the saturated state of the soil at the season of sowing, and, subsequently, by the heavy rains, ravages of the slug, &c. Taking this view of the case, and bearing in mind the position we are situated in, with regard to stocks, not only in this country, but in most of the corn-growing states of Europe (the quantity of old wheat remaining on hand being everywhere unimportant) we cannot yet see sufficient reason to reckon on any material or permanent fall in prices, though a temporary decline must, unless anything should occur to cause renewed speculation, undoubtedly be expected. In some very forward districts, the reaping of Talavera wheat has, we understand, already been partially commenced, and, before the end of the month, some quantity will, probably, be cut in the southern counties; the harvest, however, cannot, we think, become general until about the middle of August, even with fine weather, and is likely to be still later in all the northern parts of the empire."

He said, then, that, if this paper were to be believed, there was an end of all hope of an early and abundant harvest. But grant that there were an early and abundant harvest, would that give employment to the starving people? Should we, in consequence of an abundant home harvest, ship to foreign countries one load more of our manufactured goods? Not one. An abundant and early harvest, then, supposing it to come, would afford no answer whatever to those distressed classes who could look only to a relaxation of our restrictive commercial laws for substantial and permanent relief from their sufferings. If the Government were sincere in their professions of a desire to relieve the people, what possible objection could there be to the motion he now proposed? If Parliament were brought together only for the purpose of voting away the public money, let the people be told so at once. But if it were a part of the duty of Parliament to consider the condition of the country, and to adopt measures for its relief, then he maintained that it would be the duty of Ministers to assemble them again, to see if it were not possible to do something to ameliorate the destitution of the people, before their sufferings were increased by the inclemency of winter. That was the object of his motion—a motion constitutional in itself, and founded upon justice and humanity. He asked the Gentlemen on the Ministerial side of the House to pause before they rejected it. He asked her Majesty's Ministers, at least, to give the country some assurance that, if no improvement took place in the condition of the people within the next six weeks or two months, they would take the advice of Parliament. The right hon. Baronet told the House the other evening, that his measures had not yet had a fair trial. The next six weeks or two months would afford them a fair trial. Then let the right hon. Baronet say, that if, at the end of that time, they should be found not to produce the beneficial effects which he expected from them, he would again assemble Parliament, and proceed to carry out those just and sound principles upon which he admitted his measures were based. Let the right hon. Baronet say that, if his present measures failed of producing the good he desired, he would not delay to carry out the wholesome principles upon which they were founded to a fuller, if not to the fullest extent. If, after doing that, it should be found that Parliament, through such measures, could do nothing for the relief of the people, at all events neither the Government nor the Legislature would have anything to reproach themselves with. They would have done their best to alleviate the misery of those who surrounded them, and to promote the welfare and happiness of those millions to whose toil and industry, and to whose loyalty and affection they were indebted for every comfort they enjoyed, and every atom of property they possessed. With these remarks, he begged to move a humble address to her Majesty, to represent to her Majesty—

"That the distress in the manufacturing districts, to which her Majesty was pleased to allude, in her Majesty's most gracious speech at the commencement of the present Session, 'as having been borne with exemplary patience and fortitude,' continues unabated; and that the sufferings and privations resulting therefrom are rapidly extending from the working to the middle classes of society; that none of the measures hitherto proposed by her Majesty's Government to Parliament, however just the principles upon which some of them have been founded, appear adequate to afford a timely and sufficient remedy for these great and pressing evils; and that her Majesty's Government cannot, without the aid of Parliament, take such further steps as may be necessary for that purpose; and further, to represent to her Majesty an anxious hope that if, after the termination of the present Session, no decisive improvement should take place in the condition of her Majesty's suffering and loyal subjects, her Majesty may be pleased again, at an early period, to call Parliament together, with a view of giving fuller effect to those sound principles of commerce, which, if fairly and impartially carried out, more especially as regards the food of the people, would, by giving an impulse to trade and industry, avert those calamities which the inclemency of winter, superadded to want and destitution, must inevitably produce."

Mr. *Ward* seconded the motion. There never was a motion brought before the House to which he felt that he could give a more hearty concurrence. It was moderately worded, particularly in its conclusion, and perfectly rational and constitutional in the course it proposed to the House to take. His hon. Friend, despairing of any remedy being applied to the distress, which was admitted on all hands, during the present Session, and convinced that the Government, upon its own responsibility and by its own acts, could afford no alleviation whatever to the sufferings of the people, called upon the Minister of the Crown to give a pledge that if the distress continued, if the pressure upon the industry of the country remained to the same extent as at the present moment, Parliament should be called together in the course of the autumn to see whether it were possible to devise any practical measures to meet the existing evil. His hon. Friend did not profess or pretend to apply a remedy for evils with which, as an individual, he was, of course, perfectly unable to grapple, but he said that an assurance of the kind contained in his motion, coming at this moment from her Majesty's Ministers, would be received by the country as a proof of sympathy in its sufferings, and as affording some hope and prospect of a remedy. This was a precaution which the House as a legislative body was in his mind bound to take. The Government, by itself, could do nothing. The only thing within its reach was that to which the right hon. Baronet (Sir R. Peel) had referred on a previous evening, the only thing it could do upon its own responsibility was to open the ports if the circumstances of the country should seem to demand such a step. But that at best was but a palliative, a mere temporary expedient to mitigate for the moment the extreme sufferings of the people. What was wanted was, not an attempt to bolster and prop up a bad system, but a bold and manly determination to adopt a new and good system. And why should not this be done at once? For done it must be at no distant day. None of the Gentlemen upon the Ministerial side of the House, not even the most sanguine of them, could expect the Corn-law to last another year. They had clung to the system upon which it was based with some remnant of hope even to the very last; but they were now compelled to admit that it could not go on much longer, and now that Parliament was about to separate they were going down to their agricultural constituencies to prepare them for the dire necessity which would compel the Minister of the Crown to adopt a better system next year. His hon. Friend did not wish to embark the Government in all the perils of the coming winter, without some attempt to palliate the sufferings of the people. Parliament alone could do this. Government would be powerless to meet the evil, because, as he had already said, no substantial relief could be afforded to the community without a change of system. The Members on his side were the more entitled to ask the concurrence of Government in the present motion, because in the course of the Session Ministers had laid down principles which bore out all the conclusions of their opponents. There was, indeed, nothing more striking or extraordinary in the present situation of affairs, than the opposition between the principles and the practice of the Government upon almost every question that had been mooted in the course of the Session. The principles of the Government were almost all that he, as a free-trader, could desire: but the misery was, that when those principles came to be applied to practice they were found to be confined merely to little matters of pettifogging detail, which could by no possibility do any good to any interest or any class. Take the principles of the Government upon the tariff. As a free-trader he did not wish to see sounder principles laid down than those which were propounded by the right hon. Gentleman the Vice President of the Board of Trade, in the whole of his argument about the admission of cattle into this country. But then the right hon. Gentleman's principles in that particular case were qualified by the fact which the right hon. Baronet (Sir R. Peel) was careful to make apparent to all his friends, that the concession would be perfectly harmless, that no cattle would come into the country for the present, and that many years must elapse before any great number could ever be admitted. The concession, therefore, however great in principle, amounted, in practice, and in fact, to nothing at all. Again, upon the question of bonded corn, which was discussed on the previous evening, nothing could be more satisfactory than the principle advanced and insisted upon by the Government. But then again came the misery of the practice, for the Vice President of the Board of Trade told those who opposed the proposition that the principle was not worth disputing about, because it applied only to a quantity of flour so wretchedly small that it could not possibly have the slightest effect upon the general consumption of the country. "Wherefore (said he to his agricultural friends), permit your minds to remain perfectly tranquil; the principle which alarms you cannot, under the limitation which I impose upon it, affect the price of bread, even to the extent of a farthing." This was what he complained of; this contrast between the principle and the practice of Government. He wished to see that contrast put an end to, and he believed that it would be put an end to in the course of a few months; for unless he were greatly deceived, things were brewing up in the country which would compel the right hon. Baronet to carry his principles into practice. To enable him to do that, the presence of Parliament would be indispensable. The right hon. Baronet might have the best intentions, but those intentions should not be held in abeyance till the month of February next. He had spoken of the contrast between the principles and the practice of the Government upon matters of minor import. There was a great and striking difference in their conduct in reference to weightier and more important matters. In respect of these, whilst making concessions in appearance, they had in fact preserved untouched all the monopoly and exclusive advantage of their supporters. Take the Corn-law. In dealing with that vital question, they had got rid of nothing (to use the expressive and most truly appropriate phrase of the Vice-President of the Board of Trade) but the surplusage of odium. They had retained an amount of protection which was perfectly effective for all their own purposes. They had given nothing more than a mere semblance of relief to the country at large. He wanted to change that semblance into something substantial. He asked them whether they believed themselves that this system could last—whether they did not see that all that they had done was hollow and unsubstantial, and inadequate to meet the exigency of the case? He wished to bring particular facts under the attention of the House, and to ask how those facts could be met. He wanted to show to the right hon. Baronet what was the extent of the responsibility which he took upon himself in attempting to bolster up this rotten system for a few months more. People were disposed to pin their faith upon the right hon. Baronet—they believed him to be a practical man, and in many respects an honest man,—they believed that he was at present constrained by the party which brought him into power, but they also believed that in a little time more, now that he had once broken the ice, he would be enabled to throw his present supporters overboard, and to take the course which he knew in his own mind to be the only right one. This being the case, he wanted the right hon. Baronet to do justice to the people of England; and, that the right hon. Baronet might know what the sufferings of the people were, he would beg to remind him of a memorial which he had the honour, some time since, of submitting to his consideration from the town of Sheffield. From that memorial it appeared that there were in Sheffield 1,500 fathers of families out of work, and entirely dependent upon the parish for the means of subsistence,—that the trade funds of the town were completely exhausted—and that the rates had gone on increasing to such an extent as to be nearly insupportable. The progress of the increase in the rates, and the extent to which it had now arrived, was thus stated:—In 1830 the rates were 182*l.* the quarter, or 15*l.* per week. In 1839 they amounted to 541*l.* the quarter, or 45*l.* per week. In 1841 they amounted to 1,836*l.* the quarter, or 153*l.* per week. In the quarter ending June, 1842, they amounted to 4,253*l.* or 354*l.* per week, and since that time, in the course of this present month of July, they had amounted to 420*l.* per week. Thus the rateable property of the town was nearly exhausted, and three months hence the magistrates believed that a rate could not be levied. Such was the present condition of Sheffield, and how was it to be relieved? There was no symptom of a revival of commerce. Not a single order of any consequence had been received from the United States. The continental trade of Sheffield had been much destroyed by the improvement of the hardware manufactures in France and Belgium; but that was not felt in any great degree, was not attended by any grievous results, as long as the American market remained open. But that market, the most valuable of all, had for years past been closing against us in consequence of our refusal to receive the corn and provisions with which they could supply us. The Sheffield trade with America amounted now to absolutely nothing. The consequence was, that there were from 10,000 to 15,000 of the working population of that town absolutely destitute, whilst the remainder were subsisting only upon the merest pittance, affording hardly sufficient to keep body and soul together. Alter the law, abolish the restrictive system, give admission to the provisions of America, which she could supply to an unlimited extent, and a new impulse would be given to trade—commerce would recover its activity, and manufactures be restored to prosperity. It was useless to suppose that this great end could be obtained by a mere dabbling with minor matters of petty detail. Let the true principle of a liberal and enlightened policy be applied to those commodities which constituted the main articles of consumption here; let the corn and provisions of America be freely exchanged for the produce of our manufactures, and th we should have a commerce growing with the United States, which were ever extending themselves—growing with our own population, enriching both countries, spreading comforts on both sides of the Atlantic, and affording employment for every branch of our industry. It was mocking the necessities of the country to apply this principle to small and insignificant matters, which could give no effectual or substantial relief; but immediately that the great class interests of the country were concerned, to turn round upon the people and say, that those great interests could not be touched. That was the position in which the right hon. Baronet stood. He did not speak as a party man upon this question—he spoke as an Englishman—as a man having some interest in retaining those very principles, which the Gentlemen opposite were so resolute in asserting; but he knew, that his own interest in the land was bound up with the prosperity of the manufacturing community. It was the prosperity of that branch of the community which had placed the Gentlemen opposite where they were. It was the prosperity of that branch of the community, which had placed the English landowners in a position of greater comfort and affluence, than the landowners in any other country in the world. If the English landowners cut away the ground from under their own feet—if they made a population of paupers out of a population of skilful and industrious manufacturers, he pitied the blindness which prevented them from seeing the ruin to themselves, which must inevitably follow. The effect of those restrictions, which nothing but another meeting of Parliament could remove, was most grievous throughout the country. It was producing disaffection, and alienating the hearts and minds of thousands even of the middle classes, whilst with the working classes a feeling was growing up which could not be contemplated, without the utmost apprehension. He had received a letter, for the genuineness of which he could vouch, from a working man, containing sentiments which would give the House an idea of the present feeling of that class of the community. It was so well written—its sentiments were so just, and so admirably expressed, that he was sure the House would forgive him for reading it. It was as follows:—

"You have made many statements respecting the distress of the town; but I do assure you, that they fall far short of depicting the extent of misery and woe existing in this once flourishing place. Four years ago, you could scarcely find a house to let; now there are thousands of houses untenanted, and hundreds that are tenanted are paying no rent. Household property, to my certain knowledge, has fallen full 50 per cent.; and last Saturday, I was in company with an aged man, who has acquired some property in houses by persevering industry when young, expecting it would support him in age; but now he cannot obtain any rent. He is too old to work. What must be his fate? The workhouse; for I heard him offer a whole row of houses as a gift to a gentleman, if he would meet all that has come against them, and insure him 10*s.* a-week. All those that have the means are emigrating to Russia and America. Many of our best edge-tool makers have gone to Russia, to superintend manufactories there. Cutlers of every description are leaving the town to escape the workhouse, or starvation; and the foreign manufacturers are getting up goods of our patterns, and marked with our best manufacturers' names upon them. What must be the consequence of all this, if not prevented by an alteration in our present laws, which restrict our foreign markets, with our superabundant population? Why, the consequence will be the loss of our foreign trade, and the starvation of our industrious working men. The distress that has come to my own knowledge is of the most painful description. Last Saturday evening, I was returning home from market, after laying out the few shillings I had to spend, and I overtook a female I knew. After the usual inquiries in respect to her family, I asked her how business went on with her husband? when she declared to me, that she left home with 2*s.* 9*d.*, to provide food for the week for nine persons; two of her sons were above twenty years of age, and some of the girls nearly grown to womanhood. Her husband, she said, was an industrious, sober, steady man. She stated the number of years she had been united to him, which I forget, and that during that time he had never spent 6*d.* from home without her knowledge. Now, I ask, sir, what must be the feelings of this family on the Sabbath morning? I cannot describe it—I will leave this to abler minds than mine. She told me they had sold nearly every article of furniture and wearing apparel, to keep them from starving, and now starve they must."

There was nothing he could say, that could add to a picture like that. He asked what must be the feeling of every individual family which found itself thus reduced to absolute starvation and despair, in consequence of the acts of the Legislature, when they saw Parliament about to separate without any measure having been carried that was likely to afford them the slightest substantial relief? He could not look without sympathy, nor without apprehension and alarm to the situation of these men. He knew, that the Government if it pleased, could assert the law; he knew that it had the power to do so; he knew that it had a military force at its disposal; but what was to be the condition of the country if the law could only be vindicated by the employment of troops to keep down a population which, rightly legislated for, would be the credit, the honour, and the security of the kingdom? He did not wish to exaggerate the extent of the evil; he supported this motion because he believed it to be necessary, and because it held out the only legitimate hope of relief that the people could look to. He trusted, that it was not the intention of the Government to oppose it. He trusted, that it was not the intention of the right hon. Baronet to chill the hopes that were founded upon this motion, and to compel the people of England to believe that he would allow Parliament to separate, in order to face the perils of the coming winter, without any prospect of such a legislative change in our commercial system as should once more give fair play to the industry of the country, and afford the loyal, peaceful, and long-suffering population, some substantial hope and prospect of relief.

Mr. *D'Israeli* believed, that if her Majesty's Ministers thought it expedient to call Parliament together before the usual time of its assembly, they would do so; and if such early meeting were necessary, and her Majesty's Ministers neglected to advise it, they would incur a responsibility from which he felt sure they would not escape. Such a motion, then, as the one proffered was equivalent to a vote of want of confidence in the Government, and if that were felt, the expression by the House ought to be distinct and direct. But this question, in fact, is only a repetition of one which the House had very recently considered. Its importance was universally admitted. For the distress of the people touched the interests and therefore enlisted the sympathies of all classes. He confessed that he knew of nothing that had happened since they last entertained this question of a cheering character. On the contrary, any alteration that had occurred appeared to him to be for the worse. When they had discussed a few weeks ago the motion then brought forward by the hon. Member for Greenock on the same subject, the industry of this country had just been menaced by an ordonnance of the French government, levelled at the linen manufactory of England. In the interval which had elapsed between that discussion and the present, another blow had been aimed at the trading interests and labouring industry of the country, and a treaty had just been formed between France and Belgium which was to exclude our products from that inlet to France and the north of Germany. The hon. Member for Sheffield, indeed, urging his accustomed and solitary specific for all distress—a repeal of the Corn-laws—said, that such repeal was necessary for this country in order to regain our American market. The House should, however, recollect, without taking into consideration the extraordinary efforts of 1836, that we had maintained during the last ten years an average trade with America amounting to an interchange of 18,000,000*l.* sterling, and this with our late corn and provision laws in full operation. This commerce was sustained by our offering to America a market for her two chief products—cotton and tobacco. But now it appeared that the Western States had an inexhaustible store of grain also for us. But we must not forget that these offers were never made until these states were in a position of bankruptcy. When they found themselves indebted to this country to an immense amount, they then said, "True, we are bankrupts, but take our corn, and we shall redeem our obligations to you, and the balance between us shall be immediately arranged." He thought it required some consideration, where, having a bankrupt customer, they were immediately to change their whole system of Corn-laws, in order to obtain the chance of a liquidation of debts which were incurred with a full knowledge that corn could not be accepted for their settlement. He did not wish to underrate the amount of public distress, but he did not believe it was to be accounted for by a single cause. He did not think also that the distress was the creation of to-day or yesterday. It was his opinion that since the peace the commerce of England had never been of that regular and sustained character which a country of these resources had a right to expect. There had been periods undoubtedly of great prosperity, but they were fitful; the re-action had ever been severe, and the number of bankruptcies very considerable. He attributed this unsustained character in our foreign markets during the last quarter of a century mainly to this cause: the neglect of our Ministers at the general settlement of 1815 to re-construct the commercial system of this country on principles adapted to a period of peace. As regards England, the settlement of 1815 was an anti-commercial settlement. So clearly was this the case, that a very few years after the peace, so early indeed as 1818, Lord Liverpool found that it was impossible to go on—that if he persisted in the commercial system which a state of war had created, the resources of this country must be undermined, and that it would be impossible to raise the necessary revenue—Lord Liverpool recurred to these commercial principles which were developed previous to the war by Mr. Pitt and established as the sound basis on which the trade of this country was to be carried on. He proceeded of course with caution, but slowly as he advanced, his advance was beyond the spirit of the time. In 1820, some years before Mr. Huskisson took the lead, Lord Liverpool developed in a speech in the House of Lords the principles on which our commerce must be established, and the measures which he proposed to carry those principles into effect. That speech was revised and published by the noble Lord, and circulated extensively throughout the country. It was the manifesto of the Government. In that speech were expressions as favourable to free-trade as any made use of by hon. Gentlemen opposite—but expressions after all which were only the echo of the opinions of Mr. Pitt and Lord Shelburne in 1787. Lord Liverpool did introduce immediately into Parliament various measures in pursuance of those principles, measures ably developed in this House by Mr. Wallace and the present President of the Board of Trade who need not blush when he refers to the opinions on English commerce expressed in this House more than twenty years ago by Mr. Frederick Robinson. But Lord Liverpool knew very well that it was not enough to arrange tariffs to secure the trading prosperity of a country; he was well aware that it required a vigilant diplomacy to co-operate with him in promoting the commercial interests and defending the commercial rights of a country. And thus at the same time, while the home Government carried their promised and necessary measures of renovation, our foreign Minister called into existence new markets, the consequence of all which was a rapid improvement in our trade; our markets extended and our taxation lightened. From 1820 to 1830 the history of this country was a history of commercial progress. But when our domestic dissensions occurred in 1830, a change took place, and from 1831 to 1841, another period of ten years, we find that commercial progress impeded. During this period, not a single step was taken by the home Government to advance the commercial principles of Pitt and Shelburne, of Lord Liverpool and Huskisson, Nay, more; this country not only stopped when it was necessary to advance those principles, but during this same period of ten years, our foreign Minister was pursuing a system of anti-commercial diplomacy which in his (Mr. D'Israeli's) mind accounted for the distress under which the county was now suffering, and which made him tremble for its future prospects. When hon. Gentlemen remembered that from 1831 to 1841 five commercial treaties, viz., with France, Belgium, Spain, Portugal, and Naples, which would have opened most extensive and profitable markets, had been lost to this country by the misconduct of the late Government; when they remembered that two other commercial treaties which had been signed by the Government, viz., with Austria and Turkey, had from peculiar circumstances arising out of the ignorance or the negligence of the late Government utterly failed in accomplishing the objects for which they had been conceived; when they remembered that during the same period tariffs formed in the most hostile spirit to English commerce, had in direct contravention of the stipulations of the most solemn treaties been applied to countries with which we had before carried on a most profitable commerce; they could scarcely fail to feel, that in those circumstances alone, in this neglect alike of our interests and our rights, were causes sufficient to account for the commercial distress which this country was experiencing, without sounding the single and solitary note on which hon. Gentlemen opposite were so fond of playing—viz. the agricultural policy of the country which, if injurious, could only be one of the causes which had produced the consequences which we must all deplore. But besides all this; besides not accepting the markets which were offered; besides losing the markets which were formerly possessed; those which were still in our possession were disturbed. In these various and influential circumstances, produced by our management of the external relations of the empire, must we seek for the real causes of the decline of our commerce. The noble Lord, the late Secretary of State for Foreign Affairs delivered a few weeks back a funeral oration over our European commerce. He said:—

> "We must not look for any extension of our commerce to Europe. It was to the East, that we must direct our views,"

and this when year after year the country had been told by the supporters of the noble Lord to look to Europe, and that a change in our tariff would regain our European markets. Why had we lost our European markets? [Cheers.] That cheer from hon. Gentlemen opposite would tell me that our Corn-laws are the cause. Let us examine facts. Let us without prejudice or party feeling look at what has happened with reference to our European markets since the noble Lord had exercised so great an influence over our external affairs. There was nothing on the continent of Europe viewed by commercial men with so much apprehension as the German Union commonly called the Prussian League. In that very name existed a great fallacy. This commercial confederation did not commence in Prussia. It began in the South of Germany, and when the noble Lord acceded to office, there was a commercial union headed by Bavaria and consisting of the contiguous smaller states. Some time after this was first formed, Prussia had commenced a northern union, and seeing the political influence which she would obtain by putting herself at the head of a general union, adopted measures to connect the southern and northern unions. This movement on the part of Prussia strictly political, excited the jealousy of Austria, and Austria became anxious to form a commercial connection between England and the South of Germany which would have prevented the accomplishment of that great Prussian League which occasioned us so much alarm. Such was the state of affairs in Germany when the noble Lord acceded to office. What happened? Probably Austria looked with some distrust on a Minister who, on the threshold of power, had spoken of Austria in terms of contempt, if not of insult; who but recently had said in opposition:—

"Austria had sunk into a second rate power."

These words falling from the lips of the noble Lord at the period of his entering office, threw a coldness on the anxiety which then existed for forming a commercial connection between England and the South of Germany, and preventing the application of the hostile tariff of Prussia to every German state, which was in effect the action of the Toll-Union. But the noble Lord at the time was not very uneasy on this head. The noble Lord came into power with a new principle: he was to maintain our empire by directing Europe through the medium of an alliance with France. A commercial treaty with France was to form part of this great alliance, and the noble Lord knew very well, that if once he obtained that treaty he might defy the machinations of the Prussian League; that he would be able to pour British goods into Germany over the French frontier. It might perhaps be considered that the triumph of diplomacy would have been to have obtained both the commercial treaty with France and the trading connection with Southern Germany: but let that pass. The fault he found with the noble Lord was that he had obtained neither. The noble Lord had lost both objects—the result of his policy was that the markets both of Germany and France were shut to us. The noble Lord on a former occasion condescended to notice a statement which he (Mr. D'Israeli) had made with regard to our promised treaty of commerce with France. He said you cannot always get treaties such as you want them; there are difficulties and jealousies to overcome. True, but what he (Mr. D'Israeli) maintained was that in the present instance those difficulties and jealousies had been overcome. The noble Lord said, that there were great difficulties or jealousies in 1837 under Count Molé; that if I applied to the right hon. Gentleman the First Lord of the Treasury he would inform me that there were great difficulties and jealousies existing now. The noble Lord was not to answer him in that way. He was not to evade the point in dispute. He (Mr. D'Israeli) was not speaking of the ministry of Count Molé and the year 1837—nor of the ministry of M. Guizot and the year 1842. To prevent any misconception he would repeat specifically what he had stated on a former occasion. He said then, that at the commencement of the year 1840 the negotiation for a treaty of commerce with France had been brought to a complete and favourable termination; that all the provisions of that treaty were definitively settled; that there was not a single point of difference between the negotiators of that treaty; that the Minister in France pressed the noble Lord to empower the British commissioners to sign it; "the ink is in my pen to sign this treaty," said the French Minister, "why do you not press for instructions to execute it?" that the French ambassador in London personally urged the noble Lord to the same effect. That treaty would have admitted many of the staple articles of our trade into France at a very moderate rate of duty. It admitted the hardware of Birmingham and Wolverhampton, the cutlery of Sheffield, the produce of the Potteries, the cloths of Leeds and Bradford, the linens and linen yarns of Belfast, Preston, and Dundee. There was a special provision, that the duty on linen yarns was never to exceed 10 per cent. The recent ordonnance of the King of the French had virtually prohibited that import. This was not a treaty in nubibus. It was as complete as any treaty could be, not signed by the plenipotentiary and not ratified by the Sovereign; and the non-completion of this treaty had made a difference in the interchange between the two countries to the annual amount of 10,000,000*l.* sterling. Yet this is the Minister who now tells you, that you cannot extend your commerce with Europe; that your European commerce is lost; the Minister who in obtaining power told you, that he was about to change the political and commercial system of England; that new political alliances were to lead to new commercial connections; and that we were at once to have treaties of commerce with France, with Spain, with Belgium. But where are his treaties? And, Sir, when I ask these questions of the noble Lord, am I to be met with such retorts as these, that the noble Lord supposes that I wish to see Don Carlos and Don Miguel re-established on their thrones, and the Inquisition again set up—retorts fit for the hustings, unworthy of a debating club. He did not see what connection a discussion on the commercial relations of this country had to do with the political or religious opinions of our customers. What we want is a policy that will extend the commerce of the country. The question was not whether we should have a Russian or a French alliance; nor whether we should support liberal or despotic opinions; it was whether our interests and our rights were or were not to be guarded and watched over by the Government. It was the anti-commercial diplomacy of the last ten years which had withered the trading energies of this country. It had excluded us from the French and German markets; it had failed to establish us in Spain and Portugal; it had separated us from Naples; it had estranged us from Belgium. Were not these facts? were not these matters for public judgment by the representatives of the people? What is the cause of that extensive and mysterious distress which has been long creeping over the industry of the country? No one now talks of it as being partial, or thinks it will be remedied by the spring market, removed by the revival of some particular department of trade, by Illinois sending us corn! Childish, absurd! What the cause is, the Minister, who for ten years exercised a power never criticised, who, in a period of domestic turbulence conducted public affairs and was never called to account, is the prime witness; he is most competent to explain the great calamity which is now at your very doors. Can we hesitate as to the cause? We complain of commercial distress: can we deny, that we have lost the proffered markets of five great European communities—treaties of commerce which would have secured at the least an increased interchange of 18,000,000 sterling between them and ourselves? But is this all that you have lost? When the noble Lord found that he had not obtained a treaty of commerce with France, that he had also lost the commercial connection with the south of Germany which he might have secured, he attempted to frame a treaty of commerce with Austria, which was to compensate for his previous errors, and secure us the trade of the Black Sea. Now let the House remark the consequences of that treaty: almost before the ink was dry which ratified it, the first Austrian vessel which visited this country under its provisions was confiscated as violating our navigation laws; and the result was, that Austria disgusted, recoiled from our advances, and immediately formed a treaty with another power. We thus failed in our commercial objects in the Black Sea, and the treaty of commerce with Austria was as unfortunate as another treaty of commerce, negotiated under the instructions of the noble Lord, the treaty with Turkey, under which higher rates of duties were levied on the commercial transactions of England, than on those of any other European power. The noble Lord had therefore rejected five treaties, which would have afforded profitable markets to this country, and had succeeded in concluding two treaties, which had completely failed in their object. But the noble Lord stated, that he had abandoned the treaty with France for great European objects. It was for the House to determine whether those objects would weigh against the loss of that treaty. At present they assumed the form of a series of wars, which had convulsed all our Oriental markets from Constantinople to Canton. Well then, they were now to consider how the right hon. Gentleman the First Lord of the Treasury had met the public distress. On coming into power he had proposed certain measures which were in fact a recurrence to those principles which in consequence of the affair of 1836 had been placed in abeyance. For the Corn-bill of the right hon. Gentleman and the new Customs-bill were nothing more than the legitimate continuation of a policy the progress of which had been arrested. So far the measures of the right hon. Gentleman struck at one of the causes of the present distress; and in his opinion efficiently. He thought, the New Corn-law would produce a considerable and on the whole steady trade in corn, and that the ultimate effect of the tariff, would in a great degree revive the trade of the country. That distress, however, could only be removed by fully recurring to those principles which were productive of the great prosperity of this country—which at the moment when parliamentary reform engaged the attention of the country were in full progress—which under these circumstances, had renovated trade, had increased our markets, had filled our Exchequer. Thus the right hon. Gentleman, with regard to one class of his measures, had already followed that policy which had formerly conferred great benefit on this country; and in the hope, and indeed having reason to believe, that the right hon. Gentleman would not be neglectful of the second division of that policy; but that he felt the importance of treaties of commerce with the great communities of Europe, and was deeply sensible of the effect of our foreign policy on our foreign trade, he should vote against the motion of the hon. Member for Finsbury, believing that during the parliamentary recess, her Majesty's Ministers would fulfil their duty in giving their attention to this important subject.

Mr. *Ewart* thought, that the Members on his side of the House ought to congratulate themselves on finding an ally in the hon. Gentleman who had just sat down. He was glad to hear it admitted that the distress had its origin in the restrictions on trade, and he was also glad too, to find that every Member who had spoken had confirmed all the statements that had been made as to the extent of the present distress. The hon. Member for Sheffield had only done his duty in calling the attention of the House to the distress which prevailed in the town which he represented. He was sorry to say a town with which he had been formerly connected was also suffering great distress. In Liverpool the poor-rates were so high that they betokened a greater degree of adversity than had ever before been felt in that town. The shipping interest was greatly depressed; the manufacture of steam-engines for foreign steamers had almost ceased; and the emigration to the United States had never been so great as at the present time—the persons emigrating not being the poor, but the better class of persons. The distress being admitted by all, he was surprised to hear some hon. Members rest their hope of a remedy on an abundant harvest. Was the belief of distress to depend, then, on the weather, and were they to be told this when hon. Gentlemen opposite had the power of compensating for the deficiency of the harvest by allowing the introduction of foreign corn. The right hon. Baronet had, at his meeting with the Liverpool deputation, alluded to the exports. True it was that the exports of Liverpool had increased, but this had arisen from the home trade being deficient; but the increase was not confined to Liverpool. The exports from Hull had increased 50 per cent. over the exports of last year; but this was entirely owing to the exceedingly adverse state of the home market. Spun cotton could not be worked up at home; and it was exported to Hamburg and Rotterdam, because no home market could be found for the article. Why would they not give the people employment, by allowing a free-trade with America? When, by doing so, they would create a demand for manufactures. It was a remarkable thing, that while the internal disease of this country seemed to be a want of a home demand, the home market of France was in a most flourishing condition. [Sir *R. Peel*: Yet France has a corn-law.] Yes, France has a corn-law, but France grew more than sufficient corn for the population, while this country could not grow wheat sufficient for the people. Our distress would be aggravated by the treaty which he believed was now completed between France and Belgium. The only policy which this country ought to pursue was to follow the advice of the late Mr. Deacon Hume, and to sell in the dearest and buy in the cheapest markets, without any reference to what might be the conduct of other nations. They took their ground that evening on the existing distress, but, for himself, he was unwilling to rest the question of free-trade on the basis of this distress. He looked to the permanent interests of the country—he did not wish for palliatives—

he wished for some measure which should make the people happy and contented. If the distress should cease to-morrow, the principles which he advocated would still remain the principles on which the commercial interests of this great nation ought to be based. Convinced that the right hon. Baronet was favourable to the principles of free-trade, he only regretted that he had not applied them to a greater extent; but he felt sure that the time was not far distant when the restrictions on commerce would still be further mitigated.

Mr. *Brotherton*: As a Member of the manufacturing interests, felt it his duty to trespass for a short time on the attention of the House; and, in the first place, he might remark that the distress seemed to be generally admitted. With regard to the cause of the distress, and the remedy for it, there might be a difference of opinion in that House, but there was not any great difference among the people out of doors in ascribing the distress to the proper cause; and if they were allowed they would very soon propose their remedy. He would trespass on the attention of the House for a very few moments, while he stated what was the real situation of the district with which he was connected. He had received a memorial, numerously signed by his constituents, in which they stated that they viewed the continued existence of the distress with the greatest alarm, and they feared, unless it were alleviated, that it would lead to civil commotion and disturbance. The memorialists, therefore, requested that he would, in his place in Parliament, unite with other members of the manufacturing districts to procure the adoption of such measures, in opposition to the progress of the Government, by stopping the supplies, as would prevent Parliament separating until a remedy should be devised for the evils that now afflicted the country. This memorial was signed by persons in the borough opposed to him in politics, by the high constable and most of the leading men in the borough, and by 6,820 other persons. He understood that his hon. Friend, the Member for Manchester, had a similar memorial sent to him, signed by upwards of 60,000 persons, This must show the impression upon their minds as to the present state of the country. He considered the distress and destitution of the country as having made a very alarming progress. The manufacturers wanted a market for their goods. Most of them were selling at a loss. The spinners were keeping their mills at work without profit. One gentleman, who usually employed between 600 and 800 hands, stated in a letter that his mill was stopped, and that he could see no prospect of taking on again the hands he had been in the habit of employing, and he added, that the feeling of the people was, that as Government seemed bent upon stopping the mills, and thereby stopping their supplies, it was the duty of their representatives to stop the supplies of the Government. There might be a difference of opinion as to the best means of devising a remedy. He was willing to believe, that the Government would be induced to adopt those measures that were calculated to restore prosperity to the country. The measures they had hitherto adopted had not answered and would not answer the end of those who supported them. The great cause of the distress which afflicted the country was the disproportionate manner in which the taxation was imposed. The whole burden of that taxation was thrown upon one class of the community—the labouring class; and this was done by the operation of the Corn-laws. The Corn-laws had the effect of raising the price of food—the raising of the price of food had the effect of raising the rents—this produced low wages, and low wages created distress among the people. What the people complained of was, that there was no sympathy felt for them by any class. The Government might have professed sympathy, but the people believed it to be mere lip sympathy; their sympathy consisted in mere words—the Government did nothing to relieve them. Neither had the landowners any sympathy with them, because they had a direct interest in preserving their monopoly. Again, they complained that the clergy had no sympathy with them. This was to be accounted for by the alteration in the law relating to tithes. When tithes were paid in kind, the clergy had an interest in cheap food; but now, since the Tithe Composition Act had passed, they had quite a contrary interest. The income of the clergy was now fixed, not at a specific amount of money, but at a specific amount of grain. If the clergyman's income were estimated at 200 quarters, and the average price of wheat was 60*s*., his income would be 600*l*. a year; but if the average price was only 50*s*. then his income would be only 500*l*. a year. Now, a poor man earning 20*s*. a week would pay 20 per cent. as a tax upon his bread, whereas the man with an income of

500*l.* a year would consume no more bread than the poor man; he therefore would pay perhaps only 10 per cent. tax upon his bread. Thus the clergyman had an interest in keeping up the price of bread; and this appeared to him to be the cause why there was such an apathy among the clergy at the distress prevailing in the land. His impression was, that if the landlords would look at this question in a proper point of view, they would see that their interest was identified with that of the manufacturers. So long as the principal means of production of our manufactures consisted in the superiority of our machinery over the machinery of foreign manufacturers, the price of food was, comparatively, an immaterial point of consideration; but when foreign manufacturers adopted the use of machinery equal in power and perfection to our own, then the whole difference consisted in the relative value of manual labour, and that value was determined by the price of food. The price of food being cheaper abroad than in England, the consequence was that foreigners became our successful rivals; and when that was the case, and our markets being gone, he could not conceive how the agriculturists of this country could expect the products of their estates to continue of value to them. Should the landowners persist in their present course, he foresaw that either a revolution or some other dire calamity would befal this country.

Mr. *Ricardo*: I perceive that hon. Gentlemen opposite have received the order which they have received before during the present Session, that of keeping an imperative silence. Unless we had provoked the hon. Member for Shrewsbury to break forth, I fear we should have had all the discussion on our side. The great object of hon. Members on this (the Opposition) side of the House is to obtain some distinct proposition as to the measures which her Majesty's Government may even yet deem it their duty to propose to meet the alarming state of distress into which the country is now thrown. Though no observations of mine can place in a clearer point of view the urgent necessity of some distinct measures being submitted to this House for the relief of the universally acknowledged depression of trade, yet, considering the events which are taking place in the district which I have the honour to represent, I should not be justified in remaining silent any longer. The distress of the working classes has been illustrated in some places by portions of them being driven to seek sustenance from carrion and from weeds. It has been illustrated even here in this metropolis, by bands of famishing beings entering baker's shops, and openly taking the bread which they had no other means of procuring, careless of—nay, courting the consequences of their illegal proceedings, for they are driven to look to our prisons as an asylum from the effects of our restrictive laws. The last picture before us is among my own constituency, where we see a desperate and reckless population braving death and the law, which have no terrors for the starving man. This is no exaggeration; none can regret this state of things more than myself; and none could be more anxious to refrain from uttering that in this House which might aggravate or encourage the reckless spirit which is abroad. But I see no reason why we, who are met here to legislate for the people, should shut our eyes to the state of that people. I say this is no exaggeration. In the populous district which I represent, trade is at a stand still; furnaces are blowing out, shops are shut, and markets untenanted, for contributions are openly levied on the first, and carts are stopped and plundered in open day, as they take supplies to the other; for wages are falling, most obstinately falling in the teeth of the arguments of hon. Gentlemen opposite, who maintain that high wages are synonymous with a high price of food. A reduction inevitable, under present circumstances, has taken place in the hard earnings of the colliers. The natural consequence is a combination among those whose wages are reduced, not only to refrain from working themselves, but to prevent others from working. And they have a mighty power, of which they are not slow to avail themselves. They know that without fuel the manufactures must stop, and the potters, thus deprived of occupation, must be driven to join in the outbreak. And it is a fearful sign of the depression of trade that the manufacturers look on with indifference and apathy at the closing of the factories, for such is the slackness of the demand that they feel it a positive relief. With our own clay, our own coals, and our own workmen, foreigners are underselling us in markets which we have hitherto considered exclusively our own. If it be not taking up too much of the time of the House, I will refer to letters I have received from the Potteries for the corroboration of what I have stated. The hon. Member read the following letters:—

"*Apsdall Hall, July* 20, 1842.

"The disturbances in this neighbourhood have indeed assumed a very serious aspect, and what is to be the end of them I know not. That a general feeling of discontent with the present state of things, worked upon most industriously by designing men, of which we have too many amongst us, is at the bottom of what is passing, there can be no doubt; but I regret to say that some mistaken and rather arbitrary proceedings on the part of one of our ironmasters, in which it is pretty generally admitted that the men have been hardly used, have been the more immediate cause of it. At the concern to which I allude there has, in fact, been a turn-out of colliers, &c., for several weeks past; a part of those who had been discharged, or whose wages had been reduced, I believe, without proper notice, appealed to the magistrates, and obtained a decision in their favour; but in consequence of some subterfuge, as I understand, on the part of their employers, were never able to enforce the redress to which they were pronounced to be entitled. This led to a stoppage of the works; angry feelings naturally followed, and have gradually spread through the whole mining population of the district; and not only those who may have grievances, but the far greater portion who have none, and between whom and their employers there is really no difference, have now placed themselves in an attitude of defiance; and have successively visited in large bodies, and stopped every colliery within ten miles of Hanley, have assembled there from day to day, to the amount of some thousands, armed with tremendous bludgeons (and often, I am told, with other weapons), and have succeeded in exciting that sort of terror and panic amongst those who are disposed to work, as many I believe are, that they dare not do so; and the destitution of their wretched families is becoming more intolerable every hour. The first outbreak was at Lane End, on the Monday in last week, and in the course of that and the three following days all the collieries in this part of the country were taken possession of by the malcontents, and wherever resistance was offered by the managers or bailiffs they were treated in the most brutal manner. This property, on which I am residing, was invaded on Wednesday evening about three or four o'clock. Being in the way, I immediately rode with my agent to the point of attack, and for two hours had the pleasure of seeing myself and many thousand pounds' worth of machinery and other chattels at the absolute disposal of as ferocious a set of ruffians as you ever beheld. On no former occasion of outbreaks or stoppages in the Pottery district has anything of this kind ever occurred here; and I can only account for it now on the supposition with which I set out—that a feeling of discontent amongst the working population (occasioned no doubt by those reductions in the price of labour which the continued depreciation of all manufactured articles has rendered absolutely necessary) has spread itself very extensively; and that no quarter is uninfected.

"You are aware that if the colliers do not go to work again immediately, from 20,000 to 30,000 potters must be thrown out of employment; and I am sorry to say that many of them are quite as ill-disposed and as ripe for mischief as their neighbours. Lord Granville's iron works have been protected since Saturday by a force stationed on the race-course, and are now blowing out, because his agent is told that protection by a force stationed on the spot can be afforded to him no longer; and thus from 300 to 400 hands will be put permanently out of work; and should our supplies of coal and iron stone fail, my own furnaces and Mr. Kinnersly's, employing about 600 hands each, must also be discontinued. This is a pleasant look for the rate-payers of the Potteries and the neighbouring parishes; a sort of sauce for their Income-tax, which, I fear, will not be much relished. I have not been out to day myself; but my agent has just informed me that none of our men are yet at work, and that a large meeting of colliers is now collecting in a field near this estate, whether with evil intentions or not towards me I cannot tell. Again and again have I urged the magistrates now assembled to interfere at once with all their force, and prevent those meetings; but they assure me that they have no right to do so. I cannot agree with them, but must of course submit. Had they so interposed a week ago, all would have been settled by this time; their seeming indecision has given confidence to the rebels, and may produce the most serious consequences.—Five, P. M.: Since the above was written I have had my house surrounded, and been obliged to return full gallop from Newcastle. The party I have said was assembling near me, came here in my absence; and though they have only alarmed my family, it seems that they have done a good deal of mischief at my works. We who live in the country have nothing for it now but to put ourselves in a state of armed defence; and, as I have usually thirty or forty servants, &c., within a minute's call, I dare say I shall be able to protect myself. The magistrates, I again say, can be of no use unless they disperse the mobs as they assemble in a morning; but this I firmly believe they will not do."

"*Camden-place, July* 20, 1842.

"We are at a dead stand. The master colliers, so far as I can learn, are not in a situation to meet the demands of the men; and in short, as they have assured me, they cannot, without making a sacrifice that they ought not, and will not make; and that, in fact, they will, as the lesser of evils, blow out their furnaces, rather than raise the price of labour, while already losing 10*s.* to 15*s.* on every ton of iron they sell. Earl Granville is now blowing out his furnaces, which will throw 400 men out. Sparrows are out—300 men. Another person (Thompson), with half the number, stopped some time ago. Our friend Heathcote's will be out (unless the men return) next week, and Kinnerly's the same, 700—in all, 2,000. The other miners are unequal, 2,000, all out. So we have now at least 3,000 men out, and in a week or ten days there will be 1,500 more. Added to this, the spirit has been carried to Cheadle, Norton, Biddulph, Silverdale, and all round the neighbourhood; and I hear it will extend to Newport (Shropshire), Coalbrook-dale, &c. and it would seem there is no knowing where it may end. Things often are good or bad by comparison. One would think wages, from 4*s.* to 3*s.* per day, was not so objectionable as is represented, especially comparing them with Bilston, 2*s.* 9*d.*, and Wales 2*s.* for good men; but provisions are now high, the habits of people are formed, the men are afraid of going lower. Many of them have but half or two-thirds work; and adding a reduction of price to this state of things is to them intolerable. There are now 10,000 potters of all grades out, and by the week's end the number will be 20,000. Only think what a state we shall be in! And how we shall stand our ground, or the neighbourhood be kept in peace, I know not. The presence of the military has a most preventive influence. Before they came shops were entered, beggars turned plunderers, and people were in alarm both for their persons and property. This lawless state of things has subsided; the colliers meet, and parade about, and visit other districts, and wish they could turn in with such men as we; but they dare not, and so we go on peaceably, still without any disturbance, although it is impossible to say how soon peace may give way to outbreak, and our present quiet to a storm. And what is little, if any less painful, the masters are weak, and almost glad of a cessation from work; and the shopkeepers indifferent whether they sell or no! If they sell, they know it is to credit; and if they do not sell, they will have their stuffs, which perhaps will be better. To-day I have had six hours' work at the board of guardians, and I can assure you there is plenty to do there; fifty increase this week; the house overflowing; money almost impossible to be collected; out-door relief obliged to be extended, and greatly; the bakers poor, potters and colliers applying by scores; want extending; the poor multiplying; and no one can say where the calamity will end! Certainly, you and I hope a very large number of worthy Members will support Duncombe's motion. I heartily wish it success. It may not meet it: still I hope the Government will pass some act of grace before the Parliament separates; if not, I shall say they will deserve the penal settlements and never to see Old England again. If anything peculiar occurs, I will write you again. In the meantime, you and friends do the best you can for us. And am, my dear Ricardo, truly yours, " ——."

" *Longton, July* 20, 1842.

" Since I last wrote to you, matters have remained much in the same state in this district, the colliers still refusing to work but on their own terms. They have organised a committee, which sits daily to direct their proceedings, and I understand that emissaries have been sent to Bilston and other districts to prevail upon the miners to join in the movement; there appears to be a determination of purpose which will not be easily overcome. The pressure upon the parish funds has already become quite alarming. Our workhouse is full, and it has consequently become necessary to give out-door relief to a considerable extent, which, when it becomes generally known, will greatly increase the number of claimants, and the relief thus obtained will enable them to persist in their purpose. The magistrates have determined upon swearing in a number of special constables, a measure which I think more calculated to increase the excitement than to allay it. If anything of moment occurs I will not fail to communicate it to you."

Is not this a fearful prospect to look forward to for the winter; for I believe it only to be the beginning of our troubles. So long as you tax profits, so long will you diminish wages; and when you reduce wages, the natural consequence is to bring distress upon the country, and with distress come its natural concomitants, the breaking up of the law and riots. And you have taxed profits to an unprecedented degree. Your Income-tax, your Corn-laws, and your overgrown poor-rates, the fruit of those laws, are all taxes upon profits. We were told that the Income-tax was not to be felt by the poor, but I maintain what is now passing in Staffordshire to be a proof that it is necessarily deducted from the wages of the poor. The manufacturer must have a return for his capital and time; and if you tax that return he must economise on that which produces it; and the only retrenchment he can make is by employing less labour, or paying less for that which he does employ. It is one of the two-edged arguments of the right hon. Baronet, that the poor would not feel the Income-tax, and would be benefitted by the tariff. I believe that all taxation, or remission of taxation, is, directly or indirectly, felt by all classes of the community; and this much appears to be clear, that if the poor be benefitted by the remission of a tax on their employers, so they must be affected by the imposition of a tax on their employers. But if you really wish to show that sympathy with the sufferings of the people which you profess—if you really and honestly wish to relieve that distress—you must untax the articles on which the wages of labour are expended. This is the point to which I wish to come. If you can show me that, by so doing, you will cause more mischief to the state than you can do good to the community, I will yield to you at once; but if you cannot disapprove that which we assert, namely, that, while you diminish the price of the necessaries of the people, you open new markets for our manufacturers, give employment to our operatives, add stability to our currency, and diminish the poor-rates—then, I say, you have no right to withhold the free-trade in corn upon pretence of protection to agriculture. Protection to agriculture is a phrase which can no longer deceive. Protection to agriculture means protection to rents. But the profits of the manufacturer and the wages of the operative are rent too, and no logic can defend the injustice of swelling the first by deducting from the last, and by far the largest portion of the community. I do not mean to enter on details on the subject of the Corn-laws. I take my stand on the broad principle—the greatest happiness for the greatest number. The landowners say that they must have a protection of 25,000,000*l.*, to enable them to compete with the foreigner. The manufacturers say, if you are allowed this protection we cannot compete with the foreigner at all; for you, by refusing to allow a fair exchange of indigenous commodities, force the foreigner to manufacture for himself, while you fetter us, as producers, by the high price of those articles on which the wages of labour are expended. But this protection is allowed, and what is the consequence? The people are in distress from want of employment; the manufacturers from want of the demand necessary to give that employment; consumption diminishes, burdens increase, the revenue falls off, and the whole community—working people, tradesmen, manufacturers, agriculturists, and all—are heavily taxed to uphold high rents, and to propitiate the Parliamentary influence of the landowners of England.

Sir *J. Graham:* The hon. Gentleman who has just sat down has made a direct appeal to me with respect to the district with which he (Mr. Ricardo) is connected, and has referred to the statement which I made on Saturday. What I stated on that occasion was, that although in the district alluded to great distress undoubtedly prevailed, the accounts which had reached me afforded no ground for alarm as to the maintenance of tranquillity. The hon. Gentleman has read to the House several communications on the subject of the distress which exists in that district, but I think the House ought to be clearly informed of the causes which have occasioned that distress. It is true that in the district alluded to—where the industry of the people is remarkable, and where an extensive field for labour exists—the maintenance of that industry depends mainly (steam being the moving power employed in the various manufactories) on the production of coal, which is also extensively used in the manufacture of iron. The hon. Gentleman said that he would frankly read to the House the information communicated to him, and he had not concealed the fact that designing men have, in that district, induced the colliers to strike simultaneously for an advance of wages. The hon. Gentleman said that the statements he read afforded a specimen of the reality of the distress which prevails throughout the country; but I call upon the House to consider what is the matter in dispute in this particular district between the collier and their employers. The general rate of wages in that district has been 4*s.* per day, and the question now in dispute is, whether the colliers shall receive 4*s.* or 3*s.* 6*d.* a day. That is the whole subject of dispute. There is no want of employment; there is ample demand for labour; but a dispute has arisen whether the wages shall continue to be 4*s.* or whether they shall be reduced to 3*s.* 6*d.* a day. It is not my wish to enter into the origin of the dispute. [An hon. Member here made an observation which was inaudible in the gallery.] I will say, then, that I think the dispute originated in a circumstance which has subjected a portion of the colliers to great hardship. The custom in the district has hitherto been, that before any reduction of wages or discontinuance of employment took place, a fortnight's notice should be given by the employer. A gentleman, whose name I will not mention, who employs a considerable number of men—I believe about 300—departed from the established usage, which was considered almost as binding as law, and, without giving a notice of more than 48 hours, insisted on reducing the wages 6*d* per day. Such a departure from the established usage was considered an act of injustice by the colliers, and was resented by them; and this has given rise to the unfortunate disputes now existing in the district. When I replied, on Saturday, to the question of the hon. Gentleman, I entertained sanguine hopes that these differences would have been speedily adjusted; and from what I have heard from high authority, I believe, that if the parties had been left to themselves, the dispute would by this time have been settled. A most mischievous and active interference has, however, taken place, by parties who are unconnected with the district, which has increased and aggravated the dissensions; and though I do not despair of an early arrangement being effected, I do not entertain such sanguine hopes as I did on Saturday, that this unfortunate dispute will terminate so speedily and satisfactorily as I could wish. I may be allowed to state—and I do so with great satisfaction—that up to this time not only have no serious riots occurred, but no injury whatever has been done to property. It is true that considerable excitement has existed, and some disturbance has occurred, but no injury has been done to persons or property, and up to the date of the latest accounts, received this morning, the peace of the district has not been violated by any outrage. It was stated by the hon. Gentleman that the wages in the district to which he referred were inadequate to enable the labourers to obtain the means of subsistence; but I put it to the House whether this can be justly asserted when the rate of wages is such as I have mentioned? The hon. Gentleman distinctly stated that there had been no reduction in the price of corn. I believe, however, that since this question was last debated, and it has been discussed almost weekly for the last five or six weeks, a very material fall has taken place in the price of corn. I am informed that, within the last ten days, the price of corn at Mark-lane has fallen at least 5*s.* per quarter—a very material reduction. The hon. Gentleman has ascribed the reduction of wages to the effect of the Income-tax, but as that measure has no yet come into full operation, that argument can hardly be maintained. With respect to the motion now before the House, I must say that I think the case was presented very fairly by the hon. Member for Finsbury. The existence of distress is not denied, and the motion does not pretend to assert that the measures proposed by Government for its alleviation have yet had a fair trial. I have already said, that with regard to the Corn-law, the price of corn has fallen materially, and though the tariff has not yet come into full operation, its effect, thus far, has been to promote our commercial intercourse with foreign countries. The hon. Gentleman intimates in his motion, not unfairly, that the effect of these measures still remains to be ascertained. The motion, however, appears to me merely a peg on which to hang another discussion on the subject of the Corn-laws. The House has very recently pronounced its decision on that subject, and the hon. Gentleman—recollecting that decision—has not ventured to bring the question forward directly. What is the proposition of the hon. Member for Finsbury? I consider it an absurd proposal, and I think, when the House considers the responsibility of Her Majesty's Ministers, they will deem it unwise to give by their vote that pledge which the hon. Gentleman requires. It is the duty of the executive Government, if, after the prorogation of Parliament, they consider the necessities of the state require the intervention of the legislature and the presence of the representative assembly, to advise the Sovereign to reassemble Parliament, and they are responsible for the recommendation of such a measure. That is the constitutional mode of proceeding; and I think it would be unwise and unpolitic if the House, by its vote, should give any pledge on the subject. The constitution has left the responsibility of such a measure in the hands of the advisers of the Crown. The Government has brought forward all the measures which they consider it expedient to propose for relieving the distresses of the country, and it is admitted that fair and sufficient time has not yet been afforded for ascertaining the operation of those measures. The hon. Gentleman requires the House to give a pledge that, if those measures should be found ineffectual and insufficient, Parliament shall be again assembled at a very early period. I conceive that such a pledge is superfluous, unconstitutional, and inexpedient; and I have, therefore, no hesitation in giving a decided negative to the motion of the hon. Gentleman.

Mr. *Hawes* gave the right hon. Baronet full credit for sincerity, when he expressed his disinclination to discuss this question;

though it was with some surprise that he heard the right hon. Gentleman say, that one reason which rendered him desirous to avoid the discussion was, that it raised the question of the Corn-laws, which had been so recently under the consideration of the House. The great argument used by hon. Gentlemen opposite against any discussion of this subject was, that it involved the question of the Corn-laws, which had been recently settled by Parliament. This argument was advanced when a motion similar to that now under discussion was recently brought forward; and he thought, therefore, the hon. Member for Finsbury had acted wisely in changing the topic. He did not believe, that the right hon. Baronet opposite issued any orders to the hon. Gentlemen who supported him, to restrain them from speaking on this question, but the fact was, that the arguments could not be answered by hon. Gentlemen opposite. It was true, that this subject had been discussed over and over again, and it would continue to be discussed. They might dissolve Parliament if they pleased, but the question would be discussed at public meetings, and when Parliament was re-assembled, it would again be discussed in that House. He had heard with great surprise the speech of the hon. Gentleman who had first spoken from the opposite side during this debate, and who had attributed the distress of the country entirely to the foreign policy pursued by the right hon. Gentleman on that side of the House. The hon. Gentleman on a former occasion travelled through the whole continent of Asia to find some cause for the distress existing in this country; and he had to-night deserted Asia for Europe; but he had not been more successful than before. He believed, that the Corn-laws were the chief cause of the existing distress. When he heard the comprehensive and discursive speeches of the hon. Gentleman to whom he had referred, he was struck by the absence of all mention of dates, facts, and names, which might enable hon. Gentleman on that side the House to grapple with his arguments. The hon. Gentleman said, that the policy pursued by her Majesty's late Ministers was anti-commercial; that this policy had been commenced when the Whigs came into office, and that from that period might be dated the decline of our trade, and the commencement of our distresses. In 1825, a proposition was made by the Prussian Minister to Mr. Canning, that we should admit corn and timber from Prussia, that country admitting our manufactures. The reply of the British Government was, that they must at once declare they could never entertain such a proposition. The commercial Government of that day, therefore, entirely rejected the proposition of Prussia. At the period to which he referred, the northern states of Europe were essentially agricultural communities; but when ten years subsequently Dr. Bowring visited those states, he reported that they were extensively engaged in manufactures, that their manufacturing power was increasing, and that they were therefore unable to consume the manufactures of this country. He asserted, then, that the party with which hon. Gentlemen opposite were associated, had obstructed and trammelled the commerce of this country; and though at the period to which he referred the right hon. Baronet, now at the head of her Majesty's Government, was, he believed, in the Ministry of Mr. Canning, he had no doubt that the right hon. Gentleman was desirous to relieve the commerce of this country as far as his party would permit him. Since the time to which he alluded, this House had grappled with the questions of the Corn-laws and of the timber duties; but why? Because the people, who were suffering deep distress, had demanded the consideration of those questions, and the House did not venture to refuse their request. Until very recently, the consideration of the Corn-laws was always vehemently opposed by hon. Gentlemen opposite, and to 1841 those hon. Gentlemen staunchly resisted any alteration of the existing laws. To that period they were the sole friends of agriculture; but, having obtained place by a covert policy, which he thought unworthy of statesmen, they cast aside their former policy and principles, and adopted liberal measures. Those hon. Gentlemen now asserted, that they had always entertained liberal principles. All he could say was, that during the last ten years, no liberal measure had been brought forward, which they did not strongly oppose, or which they did not support with such lukewarmness and indifference as showed that they were compelled by their fear of the people to adopt such a course. The right hon. Baronet (Sir J. Graham) had, with the tact of a practised debater, seized on a passage in one of the letters quoted by the hon. Gentleman who preceded him (Mr. Ricardo), which stated that some designing men had taken advantage of the state of the people to tell them—what? That there were great evils existing in the State. And they told the truth. If these men who were now engaged in a dispute with their masters were led—by the circumstance of this local quarrel, to contemplate questions of political importance, and to render their aid to those persons whose object it was to abrogate the Corn-laws, these "designing men" would have rendered great service to the country. Why did this House permit any grievances to remain on which agitation could be kept up? It had been always said that Ireland was the great theatre of agitation, and the hon. Member for Cork had been openly branded as an agitator—and why? Hon. Gentlemen opposite furnished him with the subjects of agitation; and, whatever they might think of that hon. and learned Gentleman, hon. Gentlemen on his own side of the House knew that the hon. and learned Gentleman had done much in infusing into the minds of the people of Ireland a sense of independence, and a love of liberty, to which they were strangers before it was excited in them by the eloquence of the hon. and learned Member. The right hon. Gentleman had said, that this motion was merely a peg on which to hang a discussion on the Corn-laws. He would at once avow that he would take every opportunity of discussing the Corn-laws in that House, and that he would seize on every peg by which he could hang a speech on that topic; and, however he might be treated by the House, he was convinced he should not suffer in the estimation of the people. He had never been among those who had said that the measures of her Majesty's Government were without benefit. He had said that the Corn-law measure was good, and he repeated it, and that the tariff was good, and he repeated it; but he complained that all these alterations had been made with reluctance, and did not go far enough. The Corn-law of the present Government would, he durst say, admit more corn; then came a statement, that the Corn-law of the present Government admitted foreign corn at 6*s*., while the Corn-law of the late Government would only have admitted it at 8*s*.; but they ought to consider that this 6*s*. was only got at by a corresponding rise in the price of corn. The right hon. Baronet said, since the bill had come into operation, corn had fallen 5*s*. a quarter. Why, the sunshine had done that. A few cloudy days since the bill had come into operation would have prevented the right hon. Gentleman having that peg on which to hang an eulogium on the bill of his Government. The hon. Member for Shrewsbury said that the foreign policy of the late Government was the cause of the distress; the hon. Member was the only Member of the House who would assign a reason so puerile. The great cause of the existing distress had been the long neglect of the commercial policy of the country, till the distress forced the Government to grapple with it, with a view to put it on a foundation of honesty—but a minimum of honesty in order to maintain monopoly. He did not believe that this Corn-law could be long maintained against the enlightened views of the community. Every day the tide of popular opinion was setting in stronger and stronger against it, and the time would come when they should get the people by frequent discussions enlightened enough to see that the new Corn-bill and the tariff were very little boons to them. He did not speak under the great pressure of local distress; it was his good fortune not to be able to say, as others had said, and said truly, that multitudes in their districts were starving; but since the debates on this subject had taken place, he had looked into the state of the poor-rates of the borough which he represented, and he owned he was staggered at their increase. Comparing the year 1842 with the year 1839 he found that the weekly average of out-door poor relieved in the parish of Lambeth had increased on the whole year 12,217; and the weekly average of the in-door poor of the present year as compared with 1839 had increased 8,000. Comparing the total number of poor relieved in 1842 with 1839, they had increased 20,000. He found in 1840, in the parish of Camberwell, one of the wealthiest parishes in England, that the weekly average of out-door poor was 570, whilst the present weekly average was 640. He found in the other parish (St. Mary's, Newington) that the amount of poor-rates from 1840 to 1841 was 15,200*l*.; from 1841 to 1842 it amounted to 18,725*l*. Was that indicative of distress amongst the labouring population? Who paid these increased poor-rates? The middle classes. What rendered the poor-rates so heavy? The cost of provisions. And what enhanced the cost of provisions so much as the Corn-laws? The right hon. Member for Kent supported the Corn-law on the ground that it was necessary for the protection of the landed interest; that meant that the rent derived from land growing corn might be increased by the Corn-law; and therefore the Corn-law increased the price of bread, and every increase of the price of bread was so much out of the pockets of the rate-payers. In the Poor-law reports of 1835 the House would find it asserted, on the authority of a Poor-law commissioner, that there was in Lancashire a vast increase in steam power, in the building of mills, and the investment of capital, and a great increase in the number of persons employed. If they looked at this vast amount of manufacturing prosperity they would see what was the result of a good harvest and the consequent low price of corn then—it was coincident with manufacturing prosperity. It was most remarkable, that a low price of corn was always coincident with prosperity in manufactures; it was, therefore, a fair inference, that to prevent the country obtaining low-priced corn was a positive iniquitous interference with the happiness of the people. If they compared the price of corn in each year since 1830, it would be seen that as they mounted in the scale of price so did the distress of the country increase. When corn was dear, then came distress and declining trade. Hon. Members opposite might complain of men, he complained of the cause of the distress. But there was another most important subject, which ought to be viewed in connexion with our present commercial difficulties—that was, the tendency to increase the cost of human labour by increasing education, and by other means; at the same time, they did not extend their markets and give scope for the increase of the profits on capital. The only effect of this must be to drive capital from the country, or to convert intelligent and enlightened labourers into hostile foes to the Constitution. There was only one thing to counteract this tendency—namely, to resort to the power of machinery; but all their restrictive laws tended only to restrain the power of machinery. If they shut up the markets of the world, with the powers of production which this country possessed, there must be distress at home; if they opened the home markets they might command every market. The Government was sensible of this; but it appeared to him that we had a strong Government bending to the interests of party. When he looked back on the measures of the present Session of Parliament, he saw nothing but good intentions marred, good measures frittered away, and good principles broken. He saw the worst thing that could happen in a weak Government exhibited in a strong Government. He held in his hand a return with reference to the duties on sugar which had been moved for by the hon Member for Wolverhampton. From this, it appeared that Gentlemen of known mercantile character had gone to the Board of Trade and stated (and those gentlemen were not to be classed amongst designing men) that they would sell cargo after cargo of sugar at 14*s.* and 15*s.* per cwt., which they asked the Board of Trade to get into consumption to meet the wants of the poor. These gentlemen said, "Only open our trade in this respect, and take the sugar for manure or to fatten cattle? What was the answer of Lord Ripon to this application? "He was directed by the Lords of the Treasury to state that they could not recommend such adaptation and such practical admission of foreign sugar." Though not a pound of this sugar was to be consumed by the people, it was not to be applied to the purposes of agriculture even, from their adherence to monopoly and to a restrictive and unjust system. He thought when hon. Members went again before their constituents they would find, that they did not look on their past services with any degree of satisfaction; that they would be of opinion, that though hon. Members opposite had made some advance towards free-trade principles, yet, at the same time, they had shrunk from carrying them into operation, and that those very principles on which they had relied for obtaining their seats in that House they had shrunk from carrying into practice.

Mr. *M. Philips* said, he should be happy to give way to any Member on the opposite side of the House who might wish to address them. Every day and every week had added force to the statements relative to the distress of the country which had been previously made in that House. Whatever inconvenience was suffered by hon, Members opposite from these protracted discussions on this subject, he was one of those who felt it his duty, on every occasion, not to shrink from taking his share in every debate on the distress of the country. He had been requested, in concurrence with his hon. Colleague to endeavour, by every means in his power, to prevent all discussions on other subjects, and to prevent the granting of the supplies till some remedy for the existing distress should be proposed by Parliament. In Manchester in two short days a petition praying for some remedy for the existing distress had been signed by 62,500 persons. It was only a year ago that they had been compelled to bring under the consideration of Parliament the distress which prevailed in the country, and he would ask if the distress had not increased in a compound ratio since that period? The Session was about to close, and if they returned to their respective districts without passing some measure of alleviation of the distress other than those measures which had already passed the House, and were to tell the people that these were the only remedies they had for them, the answer that would be given them would be, that the time they had spent in that House was time misspent, and that there was nothing in the measures they had passed to relieve the distress of the country. With reference to the tariff, he was one of those who had supported its clauses, but at the same time he felt that it was but a scintilla of what they ought to have had. On the article of coffee, was it to be expected that the working classes would obtain any material reduction? They had not accompanied it by any reduction in sugar, and how was it to be expected that there could be increased consumption of the one if they denied the people the power of increasing the consumption of the other? The shopkeepers of his town had sent up a deputation, who had been desirous of placing themselves in communication with the right hon. Baronet at the head of Her Majesty's Government, for the purpose of representing the state of their trade, and he (Mr. M. Philips) was extremely sorry to find that the answer of the right hon. Baronet was that it would be extremely inconvenient to receive them. They had consequently, he was sorry to say, lost their errand; but they had stated to him how greatly their business was falling off, and explained that persons who formerly bought in considerable parcels now came only for the smallest possible parcels, costing the smallest possible coin of the realm. That betokened, in his opinion, the worn out condition of the people. When he looked to the nature of these small transactions—in fact, they were inconceivably small—which were taking place in our manufacturing towns, he saw that the cost to the poor man was enhanced at a great rate per cent. by the very smallness of the quantities that he bought; the very weighing out of articles—the turn of the scale, as it was called by shopkeepers—affected the poor man seriously. The shopkeeper was obliged to charge more in dealing in this small way than when selling in a more wholesale mode. After all that had been said about the advantage that was to be derived from the change of duties in the tariff, he was very much afraid that the people, in the position in which they were at present, could derive but a very small portion of advantage from the change. It was not within the reach of the poor. Then the middle classes were participating, and participating most closely, in the evils felt by those immediately beneath them. Take the case of provision dealers; and with respect to them he would ask, whether it could be expected that they should be able to maintain their present position under the circumstances of the existing distress, which forced the people to buy by pennyworths where they formerly spent far more? He said that this class must speedily sink to the ranks of the people. What would be the consequence? If the provision dealers were unable to maintain their position and make their customary purchases and payments, it would not be long before the effect would reach the flour-dealer, then it would come to the miller; and if the distress came to the miller it could not be far from the farmer; and when it reached him he would no longer be able to pay his rents. This would be the consequence; and he felt it his duty not for one moment to conceal from hon. Members opposite, who were not willing to look the danger in the face, the perilous position in which they stood. The country had been told, on various occasions, for a twelvemonth past, that the master manufacturers were regardless of the interests of those whom they employed; they had been told that it would be a desirable result if places such as he represented (Manchester) were blotted out—that if such places did not exist the country would not be the worse off; but if those assertions were made so freely out of the House, why did Gentlemen shrink from disclosing similar sentiments in the House? They had been told that the master manufacturers were monsters of cruelty, and that they ought to sacrifice every farthing of the property they had acquired in order to maintain the parties they had drawn around them for the purpose of employing their labour. Hon. Gentlemen might depend upon it the master manufacturers were nearer that point than they imagined. Several parties that he knew would be unable, he was sure, to maintain their position as employers of labour until Christmas, unless some important change took place before then. They had been told by the public press, the organs of the party he alluded to, that if the individuals who came up to town as delegates seeking interviews with the Cabinet on the subject of the distress of the manufacturing districts were sent to the treadmill, it would be the best possible recipe for them. Now, he would have no objection to accompany those individuals to the treadmill, on condition that those who sent them there should be obliged to go down to their mills and experience the difficulties of managing their concerns. The hon. Member for Nottinghamshire (Mr. G. Knight) had said, that if he was a despotic monarch—which God avert—he would hang every prophet of evil he could find. He trusted that, whenever the hon. Member might be invested with despotic power his reign might be very short; but the hon. Member, though he might get rid of the prophets, would not get rid of the distress by this means. As the hon. Member was rather fond of affixing *sobriquets* on others, he ought not to be surprised if persons were to be found ready to exclaim—

> "Oh, for the pencil of 'H. B.' to sketch
> The hon. Member acting as Jack Ketch."

But the hon. Member had said, that the trade of Nottingham was improving. He wished the hon. Member had stated his grounds for that assertion. He had been asked by many persons whether trade was not improving in Manchester. He had not the slightest hesitation in replying that he knew of no improvement, and whoever had said so must, he believed, have been labouring under some strange hallucination. The country had been told that there had been of late an improvement in the Russian market; but the fact was, that this was the period of the year at which purchasers for the Russian market must be made if they were to be made at all, and therefore there was nothing remarkable in there being a demand for that market just now. So far from there being any real improvement in trade at present, if some decided improvement did not take place, profits must be more and more reduced, until that stage arrived at which it would be impossible for the master manufacturers to keep up their establishments. Cotton twist had never been known to be lower than in the present week, and he said that there could be no improvement in that as matters stood at present. They might talk about a good harvest; God grant it might be good; but had they not had a series of bad harvests? That being the case, it was not possible that a single good harvest could set all right again. If the harvest turned out the best that the country had been blessed with for years, could they expect that it would restore prosperity to the country? It was impossible; impulse to trade was what was wanted, and foreign demand it was that must give it. That would create prosperity. Much had been said of the increased importations of cotton. In answer to that, he pointed to the melancholy fact, that the exports were chiefly of cotton twist, the manufacture of which employed the least labour, and he looked in vain for the manufacture of this twist into cloths at home, to be sent, as ought to be the case, into those countries that wanted them, and were ready to give us in return for them the means of subsisting our people. He could not, therefore, anticipate relief from our present distress from the effects of a good harvest. That he could not conceive could operate as a remedy; but if this country changed its policy, and held out our manufactures to those countries who had in their hands the means of supporting our people, he was distinctly convinced that trade would revive; and he said, moreover, that the landed interest would feel the benefit of this, but would never enjoy prosperity while the millions were in distress. They had been told that machinery was the cause of distress. What was the conduct of the agricultural interest with regard to machinery? Look to the speech of the president of the Agricultural Association at the late meeting at Bristol. He was deeply interested in that association, of which he had been a member from the first—but what did the members say? Did they not talk of the improvements that had been made in agricultural machinery, and were not innumerable prizes offered for machines for the improved cultivation of the land? He rejoiced to see this; and he wished hon. Gentlemen opposite who belonged to the agricultural interest God speed in encouraging attempts for making cheaper the food of the people; and if he applauded their conduct in this he asked them, in return, not to throw a slur on those who had gone a-head of them in the application of machinery to manufactures. They ought not to forget that the mechanics had been enabled to give support to a vast mass of natives of the agricultural districts. He was always glad to see that. He had never felt any jealousy of people coming from any part of England to seek employment in the manufacturing districts; but he did not like to see them forced to go back to their agricultural parishes. He might say that nothing was so distressing to him as to see those who had been living in comfort in the manufacturing districts forced back from want of work upon their parishes, and becoming a burden on the agricultural districts. Only give full scope to manufacturing industry —they asked no advantages if no restrictions were imposed—and the remedy for this would be at hand. If the market for labour was free, and free it ought to be as the use of capital, nothing of this kind would occur. He conjured the House not to go back to their constituents without being able to say that they had considered the distress, not merely as something existing at present, but with an eye to the future, and they found that they could not keep up the present laws restricting the importation of corn, and therefore they had been content to sink their private interests for the sake of the public good. That was his advice to the House of Commons. He had never joined the ranks of those who were anxious for an extension of the suffrage; he had never joined the ranks of the Chartists; but he saw every day men of the most estimable character, of the greatest moral worth, and most highly respected by their neighbours, who said that they had frequently approached the House of Commons, asking for justice for the country, and approached it in vain, and that nothing was left but to join those who advocated greater changes than ever he had advocated. It was said the people were ignorant, and not to be trusted with power. If the people were ignorant, it was the fault of the Legislature that had prevented the people from standing forth in their native majesty; but the people said, that if they were to be governed by ignorant persons let it be the ignorance of those who had right on their side, rather than the ignorance of those who refused their demands from ignorance of the real wants and wishes of the people. Hon. Gentlemen might depend upon it they ran the greatest risk in refusing the people's prayer. What had they done for them? He could not believe that the small change in the Corn-laws could help the distress, or give food to the people, or enable them to obtain clothing. The people, they might depend upon it, were greatly disappointed at what had been done, and he must say that he had seen no period in his commercial career at which he had looked with so much dismay. This he had felt it his duty to point out. He could not see any market likely to be open to the industry of the people unless they gave them free-trade. They would have the people happy at once if they granted this great *desideratum*.

Mr. *Wodehouse* was unwilling to delay the debate, and rose merely for the purpose of setting right an argument which had been drawn from a document that had been quoted both in the House of Commons and another place, by means of a reference to other portions of that document than had been quoted by the speakers to whom he alluded. This document, which he had moved for in March, 1840, consisted of a minute of the Board of Trade on a letter addressed to Mr. Canning by Baron Maltzahn, the Prussian minister at this Court in 1825, which Lord Sydenham, after some delay, had at his request consented should be laid on the Table of the House and published; and his (Mr. Wodehouse's) reason for asking for the document was, that it contained the remonstrance of Mr. Huskisson in reply to the Prussian minister's note. Mr. Huskisson said,—

> "The argument in substance is, that the Prussian system of commerce being in unison with our own, Prussia is entitled not only to the full benefit of our system, but to something more. Reciprocity is not denied to Prussia; at this moment it prevails between the two countries; but the Prussian doctrine appears to be, that reciprocity on her part entitles Prussia to something more on the part of England; and it is, therefore, proposed to us specially to favour the importation of two of the principal products of the Prussian dominions—timber and corn. The Prussian note assumes, that those advantages which Prussia proposes should be granted immediately in her own case will at some future period be extended to other countries; but their immediate concession to Prussia is the proposal, and what is the return offered? Why, that for a certain number of years (probably so long as the favour is limited to Prussia alone) she will engage 'not to change her present commercial system, and not to increase the existing duties upon British merchandise.'"

Mr. Huskisson went on to say,—

"Whether Prussia has or has not any engagements with other powers, either express or implied, which would make the proposed condition a merely nominal boon to this country is best known to herself; but, be that as it may, there can be no difficulty in stating that this Government is bound to several other powers by specific engagements which would entitle them of right to participate in all the advantages of commerce which Prussia wishes to obtain for herself, and that among the powers so entitled will be found those very countries, both in the old and the new world, which are the principal competitors in the supply of corn and timber to this country."

Then followed a passage which had been quoted by the hon. Member for Lambeth, (Mr. Hawes), without the previous explanations of the difficulties which prevented the Government meeting the request of Prussia, and without the passage which followed it immediately, Mr. Huskisson went on to say,—

"Independently, however, of this insuperable difficulty, it becomes her Majesty's Government, in the judgment of this committee, when a proposal for altering our Corn-laws is made us by a foreign government as a condition of something to be done or omitted by that government, at once to declare that we can never entertain such a proposal."

And in explanation, Mr. Huskisson went on to say,—

"It is the decided opinion of this committee, that upon that subject, involving as it does such immense interest, so closely connected with the well-being and comfort of all classes of the community, and surrounded, as it is, with so many peculiar difficulties, our legislation must at all times be governed entirely by considerations originating and centering among ourselves, and that it is only to be looked at incidentally as affecting our relations with other states."

Mr. *Parker* agreed with the hon. Member for Lambeth that the present Corn-law was an improvement on the last, and that there were many excellent parts in the tariff; but he thought, that to go back to the country without having more to place in the hands of the people than articles which were the necessaries of life, would be most unsatisfactory. The late Government had been taunted with inactivity in not introducing their measures of commercial reform at an earlier period. It should be recollected, however, that they had made progress with them immediately they saw a disposition among Members to take a favourable view of their proposals. That their judgment was correct was proved by the conduct of the right hon. Baronet. He had adopted all their measures, and would soon toll the knell of the last principle by the assertion of which he had placed himself in office. Such a good seed as he had sown this Session could not fail to bring forth good fruit, so that there could be but little doubt that the measures of the late Government would soon be all adopted by the present. But those measures should have been passed last year. If the maligned and much calumniated budget of the late Chancellor of the Exchequer had been adopted when it was proposed, it was his firm belief that the commerce of the country would not now have been in its present distressed condition, and that many who were now starving would be receiving the benefits of employment. The Corn-law they had rejected was founded on those commercial principles, without which they could not expect their trade to revive. It would have included the trade and markets of America within its range, and labour would have consequently been afforded to thousands who were now starving. And let him ask how long would the right hon. Baronet think himself justified in allowing the present state of things to continue? He and those who acted with him, and not the late Government, were responsible for that state of things, and they must bear the burden of the responsibility of allowing them to remain unaltered. His hon. Colleague had already so fully explained to the House the deplorable condition of the town he had the honour to represent, that he need scarcely follow him into that branch of the argument. He could not resist, however, reading to them one passage of a letter addressed to him by Mr. Fisher, one of the most intelligent and estimable men of that town. That gentleman said, that the payments to the casual poor in Sheffield for the last few weeks showed the following progressive increase:—

In the week ending June 3, 371*l.*; June 10, 382.; June 17, 387*l.*; June 24, 398*l.*; July 1, 424*l.*

Mr. Fisher added to this account—

"When I was overseer in 1835, the weekly payments to the casual poor in the month of March averaged from 16*l.* to 20*l.*; therefore there is an increase from that period to 1842 of no less than 400*l.* a-week."

Such evidence went to confirm his opinion, that the only legislative means which they had in their power for alleviating the present distress was a new arrangement of the duties on the importation of foreign corn—a step which he was convinced would materially benefit the operative classes, without inflicting the slightest injury on any other class of her Majesty's subjects. He should cordially support the motion of the hon. Member for Finsbury.

Mr. *Thorneley* rose for the purpose of showing what had been the operation of the new Corn-law in reference to our trade with the United States of America. By a return he had received from Liverpool, it appeared that since the 30th of April to the 4th of the present month, the imports of wheat into Liverpool from the continent of Europe was 175,484 quarters, while that from the United States within the same period amounted only to 73 quarters. It was only fair to state, that America chiefly exported flour, and not wheat; but that was because there was no regular demand from this country, which required wheat, and to which the offal would be of great service. The United States consequently prepared her exports in the shape of flour for the West Indies and South America. An increased traffic with the United States could not be expected so long as by the operation of the sliding-scale their corn and flour were excluded, and the trade given entirely to the near ports of the continent of Europe. He was an advocate for the total repeal of the Corn-laws; but if even the proposition for a fixed duty of 8*s*. had been adopted, this country would now be enjoying a most lucrative trade with America. Mr. Tyler, the President of the United States, an exceedingly enlightened man, had vetoed the high tariff that was brought into Congress. That gentleman had been a member of the Free-trade Convention of America, and there was no doubt that he would do all in his power to further the principles of free-trade. He therefore regretted the more particularly that we should continue to exclude America from those advantages which the nearer ports of Europe enjoyed in the article of corn, and at the same time deprive this country of the immense benefits which would accrue to it from an increased trade with the United States. The right hon. Baronet opposite had recently congratulated the House on the fact of a commercial treaty having been concluded between this country and Portugal; but Portugal, be it observed, was absolutely insignificant as contrasted with the United States. He was happy to say, that men who had formerly differed upon these subjects, and upon politics generally, were now coalescing in their support of free-trade principles. He had himself supported various items in the tariff of the right hon. Baronet, when he was deserted by many of his own party; and he would now vote for the motion of his hon. Friend, in the hope that those principles would be further carried out.

Sir *R. Peel:* The hon. Gentleman who has just spoken takes credit to himself for having forgotten all party distinctions and given me his cordial support upon many points of the tariff when, as he says, I was deserted by very many of my own party. I cannot quite reconcile that just panegyric which he has passed upon himself with the declarations which have been made in the course of this debate—that I and my Colleagues have done nothing whatever to remedy the distress now prevailing in the country; that we have acted merely in subservience to the agricultural interest; and that hon. Gentlemen see nothing in our propositions but a desire to conciliate Parliamentary support, and to sacrifice to that consideration the permanent interests of the country. A reference has been made to the measures proposed by her Majesty's Government for the relief of the commercial and financial difficulties of the country; and the hon. Member for the Potteries has been, or has pretended to be, very severe respecting the introduction of the Income-tax. He and other hon. Members have asked—"Is this the measure you propose for the benefit of the country? Have you nothing but an Income-tax to offer us?" And the hon. Gentleman proceeded to demonstrate, as it is very easy with reference to any tax to demonstrate, that that tax cannot operarate as a relief, and that it must have some tendency to diminish the demand for productive industry. I admit it; but I must ask in return, what were the circumstances under which I proposed the Income-tax? Was I responsible for having caused the deficiency in the revenue of the country? My power in 1835 was but short, and I have no right to take credit for any measure adopted at that period; but in 1835 there was a great surplus of revenue over expenditure in this country; and there was a great surplus of revenue over expenditure in India. In 1841, however, the deficit in this country amounted to nearly 2,500,000*l*. and in India to the same amount. We found, in fact, the surplus in each part of the empire converted into a deficit. I do not state this in the spirit of party recrimination; I am merely stating the facts. It may be that the simple statement of the truth is the severest censure that could be passed; but that is not my fault. I am stating the mere simple facts, without adding any imputation of misconduct upon those who held the administration of affairs. Such a state of things, however, fully justified the adoption of some strong measure for the maintenance of the public credit, and therefore I say, the imposition of the Income-tax was not a mere gratuitous act on the part of the present Government, but a measure rendered absolutely necessary by the circumstances of the case. It was doubtless a measure objectionable in its nature from the amount of revenue which it proposed to raise, and from the inquisitorial process by which that revenue was to be obtained; but still it was an inevitable measure, and for that reason I am not responsible for those objections to it. Then with regard to the tariff. Now that the tariff has become law it is viewed in a very different light from that in which hon. Members professed to hold it while it was under consideration. When that measure was brought forward, were not constant efforts made on the other side of the House to increase the dissatisfaction which a sense of alarm had necessarily produced on this side of the House? It was then declared by anticipation that I dare not touch powerful interests in the enactments of that measure. I perfectly well understood the object of the many questions that were put to me at that time on the subject of the proposed measure. One hon. Member asked me whether I meant to propose to reduce the duty on salmon; another hon. Member expressed his opinion that hops would remain untouched, while another asked me whether I meant to touch cattle and foreign meat. Now, the whole tenour of those questions was to imply, that in the proposed tariff it was the intention of the Government to defer to powerful interests, and that it had not the courage, in the discharge of its duty to the country, to risk any dissatisfaction on the part of its own supporters, of whom I must say that, although they did express some dissatisfaction, yet on the whole they gave the measure their general support. I am bound to say, at the same time, that I should have considered the permanent deprivation of their support as a great misfortune. I look, however, to what has been effected by the tariff. You may affect to disparage it now, but when, in any Session of Parliament, was there ever so great a relaxation of protecting duties on articles of commerce as has been effected during the present? You say we established by our tariff a good principle, such as ought to regulate the trade of this country. But, in establishing that principle, we also accompanied it by the declaration that we did not think that measure could tend immediately to mitigate the existing distress. We said that those principles, although admitted to be good, yet, if applied hastily and precipitately to the multifarious and complicated commercial relations of this country, would only increase the distress by creating it in other quarters. Though those principles might be good in themselves we accompanied their announcement by a declaration that you could not hastily and precipitately apply them without actually increasing the distress. Look to the tariff, I repeat, and see the amount of reductions made in the duties on raw materials—on those which are the elements of manufactures. Then with regard to the Corn-laws. Why the hon. Gentleman opposite admits that the new Corn-law is infinitely better than the former one, that it will lead to the introduction of foreign corn at a lower price, and insure at least a more regular, if a more moderate trade; but he goes on to add his belief that a still greater benefit would be derived by a still greater freedom—by what he calls a still greater improvement. The hon. Gentleman who last addressed the House has substantially admitted the same thing. Why then, if the tariff be admitted to have done so much, if it have removed the protecting duties on cattle and meat, and if the new Corn-law is admitted to be a great improvement upon that which before existed, I must say it is somewhat extraordinary that at the close of a Session which has been almost entirely devoted to the consideration of these subjects, hon. Gentlemen opposite should all unite to disparage everything that has been done, and say that what remains to be done is the only thing that can remedy the distress of the country. I know how difficult it is at all to attempt to blame those who make statements in this House as to the distress of the country. It is impossible to deny the existence of great distress; but at the same time I must say that I think the tone that has been taken in the course of this debate with respect to the condition of the country is more desponding than the real circumstances of the country justify. Observe, I fully admit, and I deeply deplore the great distress which prevails; but I cannot concur with those who represent this country as being in a hopeless state of distress and suffering. On this subject I will refer to one or two facts connected with the general condition of the country. I will first compare the increase of the population during the last ten years with the increase of inhabited houses—a test of the improvement of the country which I think a very fair one; for if the number of inhabited houses in a country falls off in proportion to the increase of the population, you might then fairly infer that the condition of that country was deteriorated. Now, it appears that in England and Wales the number of inhabited houses has in the great majority of counties increased in proportion to the increase of the population. From the population returns that are about to be presented to the House I am able to take a return of the increase per cent. of the population in 1841, as compared with 1831, and also a return of the increase of inhabited houses during the same period. It appears that in the period I have named, with respect to the English counties, that in 34 out of the 40 there has been an increase per cent. of the number of inhabited houses as compared with the increase of the population, while in the remaining six there has been a decrease. In Wales there has been a positive increase in every county. At the same time, I will at once admit that there might appear such an increase during a period of ten years, and yet there might exist very considerable distress. I will now approach the arguments of the hon. Member for Manchester, but before doing so, I may as well notice what fell from him on the subject of deputations. The hon. Member complains that a deputation of shopkeepers from Manchester came here, and that I declined to see them. I can assure the hon. Member that it was with great regret that I declined to see them, but at the same time it is absolutely necessary to place some restriction upon the employment of time. I do attempt to devote all the time I possibly can to the public service. Nine hours a-day at least during the sitting of Parliament are required for attendance in this House. The applications from deputations are very numerous, and there are public duties required of a Minister out of the walls of Parliament of a most onerous and important nature. Therefore, the representatives or deputations of the people must not attribute it to disrespect or to any indifference to the sufferings of those whom they represent, if, when they seek interviews, it is utterly impossible for public men to reconcile the performance of their duties in this House and elsewhere with the general reception of all deputations that may apply to them for audience. I must say, too, that in deputations there is rather a disposition to forget the objects with which the interview is originally accorded, and that, instead of confining themselves to the statement of useful facts, they are apt to avail themselves of those interviews as affording opportunities for oratorical display. To simple statements of facts I am always disposed to listen with patience, but of mere declamation we all hear so much in the House of Commons, that Gentlemen must not be surprised if I sometimes am disposed to turn rather an unwilling ear to it when coming from those (I speak it not in disrespect of either their powers or intentions) who are somewhat disposed to abuse the privilege of a deputation, to travel from the facts of a case, and indulge their own love of eloquence. I repeat that I have not, personally, the least disinclination to hear gentlemen coming to me in that capacity, but I must entreat them to remember that the time of a public man is public property. To return, however, to the hon. Member for Manchester. The hon. Member, pursuing that course of disparaging the tariff to which I have already referred, says—"You have reduced the duty on coffee, to be sure, but of what use is it to reduce the duty on coffee unless you reduce that on sugar also?" But I will mention one or two facts with regard to the actual consumption of sugar which, besides that they bear upon the hon. Gentleman's argument, will also show how unwise it is to adopt a too despairing tone with regard to the condition of the country, at all events as far as the consumption of articles of food is concerned. Now, it appears that, notwithstanding there has been no reduction of the duty on sugar, the quantity of sugar consumed in the year 1842 as compared with the year 1841 has much increased. I hope that the hon. Gentleman will see in that fact a reason why he should not altogether despair of an increase in the consumption of coffee, and also why we should be careful how we make use of too desponding language with regard to the general condition of the country. Take the comparative quantity of sugar consumed in 1841 with that consumed in 1842. The quantity of sugar consumed up to the 6th of April, 1841, from the same period in the preceding year, was 3,516,000 cwt., whilst the quantity consumed up to the same period in the year 1842 was 3,998,000 cwt., being an increase of 482,000 cwt. in the latter year. Then again, let us take as another test the increase in the amount of shipping in the port of London; but first I must observe, with respect to the increase of the consumption of sugar, that when such an increase takes place, even whilst the amount of duty continued the same as it had been in the preceding year, it is in some degree an evidence that the distress which is admitted to exist in the country has been overrated. Now with respect to the increase of shipping in the port of London. I do not at present speak from official documents, my information being derived from the reports of the St. Katharine's Dock Company, but I am perfectly satisfied that the report is one in the accuracy of which perfect confidence can be placed. It appears from this report, that on a comparison of the arrivals of vessels, in the first six months of 1841 and of 1842, the increase of vessels in the port of London in the latter amounted to 140 ships, and that the amount of tonnage was in a corresponding proportion. But it might probably be said that a great proportion of these ships were foreign vessels. But it may probably be said that this increase is derived from foreign shipping; that foreign ships are employed to bring corn to this country, and that increase may be simultaneous with the decrease of British shipping; but that is not so; there has been a decrease of foreign ships to the number of sixty, while the increase of British ships is nearly 200. Without denying, therefore, the existence of distress, which I would by no means be understood to do, I contend that when we see such an increase in an article of general consumption without any reduction of the duty in the article having taken place, and when we see such an increase of ships and tonnage in the port of London, we ought not to endeavour to make it appear to foreign nations, nor to impress upon our own people at home, that the prospects of the country are so gloomy as some hon. Gentlemen would have us conceive. In Liverpool an increase of the shipping, though only a slight one, took place during the first six months of the present year, as compared with the corresponding period of the year 1842. I have some hesitation, however, in holding out any prospect of immediate improvement in our present condition as likely to arise from the changes which have been made. We must not hastily ground hopes of improvement following directly upon the alterations which have been made in the Corn-law and in the tariff, though there appears already to be a tendency to a gradual increase in the importation of foreign corn. The principal charge against the old law was, that it held out no encouragement to a fair and steady trade, but, on the contrary, that its irregular fluctuations led to sudden large importations, in return for which we had to send out our gold. This evil seems likely to be remedied by the present law, and, as far as I have had an opportunity of judging, it appears to me that we may calculate upon a regular and gradually increasing importation. In expressing this opinion I would not be understood to draw a too sanguine inference from the short experience which the operation of the measure has afforded; but I am of opinion that we shall have such a regular influx of foreign corn as will not tend to derange the monetary system, and that in addition to the regularity of the supply we may also look for a gradual increase. From the accounts which appear in some of the public prints I rather infer a hope of an improvement in our commercial position than feel any inclination to indulge in the gloomy apprehensions which some Gentlemen express. I have this day seen in a public paper, by no means favourable to the operation of the Corn-laws or to the Government that which places the commercial condition of the country in a more favourable point of view than some hon. Gentlemen are inclined to survey it. The passage occurs in the city article, which renders it the more important, as this part of a newspaper is more than any other portion divested of party or political bias. The article runs thus:—

> "City, twelve o'clock.—The symptoms of improvement in trade become daily more decided, and confidence is certainly reviving, but without producing any material advance in the prices of merchandise, which remain at very low rates. In the difficulty of finding employment for money in public securities or other solid investments, and the excessively

low rate of interest, it is possible capitalists may now once more turn their attention to merchandise, to hold it for better times."

This is the opinion of a writer, who certainly gives it disinterestedly, inasmuch as he is by no means favourable to the Government. In addition to this, if we look to the more recent accounts received from those districts where the distress is stated to have been greatest, we shall find still stronger inducements to hope for more favourable prospects. What are the accounts recently received from Manchester, which is the centre of the districts where the distress has been most felt? Again, I must beg not to be misunderstood as underrating the distress, or as speaking with too great confidence with respect to the prospects of relief. I merely refer to the accounts which I lay before the House for the purpose of discouraging the desponding tone which has been so much indulged in. The paper from which I am about to quote, *The Manchester Guardian*, is one opposed to the policy of her Majesty's Government. The article, which is dated July 19th, runs thus:

> " We are happy to be enabled to state that the improvement which manifested itself last week has continued down to the present time, and that a more healthy feeling prevails in the market than at any period for some time past. The large sales of produce made under the operation of the new tariff have liberated a considerable amount of capital which has been for some time locked up, thereby placing additional means at the disposal of the more active and enterprising merchants of the country: and, as a general impression prevails, that the prices of cotton manufactures are now at their lowest point, the inclination to make purchases for the foreign markets has become more general. It is not very probable that any substantial improvement in prices can take place until, by the result of a good harvest or by a change of the Corn-law, the great bulk of the working classes of the country, whose entire earnings are now absorbed in the purchase of food, shall be enabled to procure those supplies of clothing of which they stand so much in need." (*Cheers.*)

I understand that cheer, and I can only say, that I should feel it unfair to repress that passage, and I refer to the whole article with the greater satisfaction, because it shows, upon the testimony of a disinterested witness, that a great improvement has taken place. Coming, as it does from a quarter which would altogether repeal the Corn-laws, it is gratifying to find a candid admission made that the improvement spoken of a week previously continues from the last week up to the present. I am ready ta admit, that these statements furnish grounds too slight for confidence in the future; but I refer to them to show that it is probable the extreme point of depression had arrived, and that having passed, we may, without indulging a too sanguine hope, expect that better times will shortly arrive. With respect to what has been urged as to our trade with America, when I compare and reflect upon all that I have read upon that subject, though I will not deny the great advantage to be derived from a commercial intercourse with that country, and the hopes which might be indulged in for an extension of that intercourse, still, I think, the advantages have been overrated as far as regards the importation of corn from that country. What is the opinion of one of the most determined advocates of the repeal of the Corn-laws, when addressing himself to the point? He says,—

> "It is needless to take up the reader's time by entering into any lengthened details with respect to the corn-trade of the United States. It is abundantly certain, that we need not look to that quarter for any considerable supplies. American wheat, though decidedly inferior to British wheat, is seldom under 40*s.* a quarter in New York, and is frequently much higher. Latterly, the culture of wheat has been decreasing in the United States, and a material decrease has taken place in the exports of flour. Indeed, everybody acquainted with such matters knows, that within the last half dozen years considerable quantities of flour have been shipped from Dantzic and other European ports for America."

That is the opinion of Mr. M'Culloch with respect to the prospects of immensely extended commercial intercourse by admitting the corn of the United States. He may have taken too unfavourable a view —a more unfavourable view than the facts will justify; but, on the other hand, when I see such confident statements put forward by the advocates for the repeal of the Corn-laws, I certainly am induced to distrust the prophecies by which we are told to expect a perfect degree of prosperity from a free admission of American corn. With respect to the motion itself, of course, I need scarcely say, that it is utterly out of my power to give my consent to it. The motion is rather a long one in terms, but when the sense of it is extracted, it comes to neither more nor less than this—a pledge on the part of the House to repeal the Corn-laws at an early period of the next Session. The hon. Gentleman has no other remedy for the distresses of the country than a repeal of the Corn-laws, and he indicates pretty clearly, in the terms of his motion, that the measure he will be disposed to recommend is the application of the sound principles of commerce, which have been partially acted upon by her Majesty's Government, to the food of the people; and he makes a confident prophecy that by the application of those principles a great stimulus would be imparted to trade and industry, and the calamities which the arrival of winter will inevitably produce would be averted. He proposes that the House should address her Majesty to summon Parliament at a very early period. Now, in the first place, on constitutional grounds, I think the House ought to exercise with great caution the power which it unquestionably possesses of addressing the Crown to summon Parliament. There have been instances no doubt, although not very frequent, in which Parliament has given advice to the Crown for the summoning of Parliament; but the case ought to be peculiar and the necessity very urgent, when the House undertakes to advise the Crown with respect to the exercise of that prerogative. If that should be frequently done, the House would come to be the judge of exercising the prerogative, and not the Crown. If, indeed, her Majesty's Government had lost the confidence of Parliament, I could perfectly understand the object of an address to her Majesty to take that course. But Parliament has not manifested a disposition to withdraw its confidence from her Majesty's present advisers. The Government is responsible for the advice it gives to the Crown with respect to the exercise of this prerogative as well as any other. If the circumstances of the country should, in the opinion of Parliament, require that it should be called together at a particular period, Parliament would have a perfect right to question the conduct of the Government in abstaining from giving that advice. I do not apprehend that the responsibility of Government would be increased by any such address as that which the hon. Member proposes, the responsibility of Ministers would remain the same. Her Majesty's Government ought to summon Parliament, if they believe that that step would mitigate the distress. I give no assurances, no pledge upon that subject, but I have no hesitation in saying, that I should think it a dereliction of my public duty as a Minister if, foreseeing that the summoning of Parliament would mitigate the distress of the country, I refrained from giving advice to the Crown to do so. But can you carry it further than that? Leave the responsibility to the Executive Government; if they fail to do that which is right, then question their acts; but I think it would be inexpedient that Parliament should share with the Executive Government the responsibility of exercising a prerogative of that nature. I deprecate also this motion as I have deprecated many others, believing that to carry it would aggravate the distress of the country. See what uncertainty the carrying of the motion would produce in respect to the application of capital. What is meant is, that Parliament should meet in November for the purpose of altering the Corn-laws. It is wrapped up in a great variety of phrases, but the country will understand, as clearly as I do, or as the hon. Gentleman does, that the object of the motion is neither more nor less than to attempt to impose on her Majesty's Government a necessity for calling Parliament together in October or November. But who would bring foreign corn into the market while that seemed impending? If it be the sense of the House, that Parliament should meet at an early period for the purpose of repealing or materially altering the Corn-law, you will interpose a new discouragement to the regular operation of commercial dealings under the present law, and offer a fresh impediment to that relief which you anticipate from the free admission of foreign corn. The duty is now at 8*s*., and there may be a prospect of its rising, in consequence of the decrease in the price of corn. At present, therefore, there is an inducement to bring corn out of bond, for the purpose of introducing it into home consumption. But if the holders of this corn think it probable, that Parliament will interfere, and permit corn to be introduced at a duty of 4*s*. or 2*s*., or without any duty at all, is it probable that any man will subject himself to the loss of the 8*s*. duty, by taking out his corn now? It does appear, therefore, that the motion of the hon. Gentleman would have a tendency to aggravate public distress, by introducing a fresh element of uncertainty into commercial dealings, and by preventing foreign corn from being taken out of bond, under the operation of the present law. I wish hon. Gentlemen could think it consistent with their duty to abstain from bringing forward motions which, by exciting uncertainty as to the future conduct of Parliament, have, in my opinion, the effect of deranging commerce and increasing the pressure of distress. These are the grounds on which I must offer my decided opposition to the motion of the hon. Gentleman. I claim for the commercial and financial measures of her Majesty's Government, that fair trial by which their merits must ultimately be determined. If the circumstances of the country require the intervention of Parliament, as I said before, it will be the duty of Ministers, on their proper responsibility, and in the exercise of their proper functions, to tender that advice to the Crown, but Parliament would be stepping out of its proper functions by interfering with the exercise of their discretion. On these combined grounds—the danger of exciting commercial disturbance by exciting false hopes, and undue interference with the prerogative—unusual, except under special and peculiar circumstances—I offer my decided opposition to this motion.

Viscount *Palmerston,* spoke to the following effect.* Nothing can be more satisfactory to this side of the House than the debate, if debate it can be called, of this evening. The argument has been all on one side, while on the other side there has been little but what a celebrated French diplomatist praised in a friend of his, namely, " a most agreeable silence." The right hon. Baronet at the head of the Government has certainly not been troubled this evening, by his supporters, with any of those oratorical displays, of which he has complained so much as having been inflicted upon him by the members of deputations. But I find no fault with the Gentlemen opposite for their silence; there is an old maxim, and a very good one, " When you have nothing to say, say nothing," and as they have no arguments wherewith to meet the unanswerable reasoning on this side of the House, they have shewn a sound discretion in preserving an almost unbroken silence. With the exception of the Cabinet Ministers who have spoken, there has been but one infringement of this silence; for the few words which fell from the hon. Member for Norfolk can scarcely be said to be an exception, as he only made some remarks upon a particular despatch which had been mentioned in the debate. The only exception then to this dead silence on the part of the supporters of the Government, was the speech of the hon. Member for Shrewsbury, and even of that speech the greater part had nothing whatever to do with domestic distress, the question under discussion, but turned entirely upon Foreign Affairs. That hon. Gentleman seems to have one fixed idea; all the evils of the country, according to him, are owing to the diplomacy of the late Government. Whatever is wrong, whether at home or abroad, whether it be manufacturing distress, or commercial embarrassment, it is all the fruit of the diplomacy of the late Government, a diplomacy which he has characterised by an expression I am unable to understand; and which he stigmatizes as an anti-commercial diplomacy. I can understand what is meant by " anti-commercial legislation ;" I can understand what is meant by " an anti-commercial policy," but what " anti-commercial diplomacy" means, I cannot for the life of me comprehend. I feel, however, somewhat relieved from the pain which the hon. Gentleman's censure would otherwise have given me, by finding that the same condemnation, which he has pronounced upon me, extends backwards to all with one exception, who have administered our foreign affairs since the year 1815. Indeed, his great complaint is, that the settlement of Europe which took place in 1815, was what he calls an act of anti-commercial diplomacy, and that the Congress which made that settlement, did not frame tariffs sufficiently advantageously to England. The hon. Gentleman seems to think that the Congress of Vienna was assembled to settle tariffs. I should like to see the surprise with which the eminent and distinguished statesmen who composed that Congress, and who imagined that they were there and then assembled to arrange the great political interests of Europe, would have heard the censure which the hon. Gentleman has pronounced upon their transactions. But there was one exception to the sweeping censure which the hon. Gentleman has passed upon all our own Ministers for Foreign Affairs; that exception is Mr. Canning. Mr. Canning, says the hon. Gentleman, boasted that he had called into existence the markets of the new world, to make amends for the loss of the markets of the old world; and his, says the hon. Gentleman, was indeed a commercial diplomacy. This, truly, is a new discovery; I had always imagined that in the celebrated speech to which the hon. Member alludes, Mr. Canning boasted that he had called the new world into existence to redress the balance of the old. It was a great political, and not a commercial measure, that Mr. Canning prided himself on having, on that occasion, achieved. The hon. Gentleman is so haunted with this notion of commercial diplomacy, that as he went on I really expected to hear him attribute all the domestic distress of the country to our consuls abroad; and so far at least I have to thank him on behalf of that portion of the establishment of the department over which I had the honor to preside, for having, on this occasion, at least spared the consuls, and having vented the whole of his censure upon the individual who had the management of the foreign department under the late Government. As to the charges made against me, I meet assertion by counter-assertion. The hon. Gentleman without giving any proof whatever, asserts that the diplomatic policy of the late Government was adverse to the commercial interests of the country; now I maintain on the contrary that it was eminently favourable to those commercial interests, and I assert that there never was an administration, which in the same space of time devoted more attention, and with more success to the commercial interests of the country, than did the administration which conducted its affairs from 1830 to 1840. I will meet the hon. Gentleman on the very point on which he has placed the issue. He has accused us of having omitted to conclude certain commercial treaties, which he thinks we might have obtained; evidently thinking that the attention of a Government to the commercial interests of the country may be measured by the number of commercial treaties which it concludes. Well, what is the state of our commercial treaties? There are at present about thirty-four commercial treaties of one kind or another subsisting between this country and foreign states: of these, eighteen were concluded in all time, before the end of 1830, when we came in, and fifteen were concluded by us; since we went out, another has been concluded with Portugal, and if we may be allowed to claim some share of the merit belonging to that treaty, which the right hon. Baronet the Member for Tamworth told us the other day was the result of a long pending negociation, which had been conducted up to a certain point by the late Government, we may say that nearly half the commercial treaties now in existence between this country and other States, were either concluded by us, or were the results of our negotiations. But the hon. Gentleman has said that we did not succeed in some particular cases, and especially in our negotiation with France. He said that our failure was our own fault, and that we might have concluded a commercial treaty with France, but that we declined to do so. He has been misinformed; there never was a moment at which the late Government, taking all matters into consideration, could have concluded with France such a commercial arrangement as would, in our opinion, have been advantageous to this country. The hon. Member doubts what I said on a former occasion of the indisposition of public men, and of the public mind in France towards the commercial interests of this country, and he especially seems sceptical as to what I stated generally on that occasion, without then going into particulars, as to the nature of a communication made to this Government about five years ago, by Count Molé, then Minister of France. I will now state to the hon. Member and to the House, the substance of that communication, and I will leave them to judge of the spirit of commercial jealousy towards England which it displayed. There was then a negotiation on foot for a commercial treaty between us and Spain; and this country was on the best possible terms with France. In that state of things the French ambassador at this Court read to me, by command of Count Molé, a despatch addressed by Count Molé to that ambassador, stating that the French Government had heard that we were in negotiation with Spain for a commercial treaty; that he deemed it due to that frankness which belonged to the friendly relations then existing between the two countries to state to the English Government fairly, that whatever influence France could exert in Spain would be employed to prevent the conclusion of any such treaty. It was quite true, Count Molé said, that England wanted only to be put in regard to her commerce with Spain upon the footing of equality with other countries; but such is the skill, such the capital, and such the enterprise of British commerce, that wherever England meets France or any other country, in a foreign market, on a footing of nominal equality, she is sure to enjoy a real superiority, and therefore the French Government would feel itself justified in exerting all the influence which it possessed in foreign countries to prevent England from concluding any treaty of commerce, not only with Spain, but with Belgium, or with any other State, Portugal alone excepted, the ancient and intimate political connection between England and Portugal appearing to Count Molé to give to England a sort of claim to a commercial treaty with Portugal. Such was the official communication made to me. It was made in a fair, open, straightforward manner; and if the French Government did entertain such sentiments, it did them honour candidly to declare them. But the statement I have made must show to the House how great were the difficulties which we had to contend with in negotiating a commercial arrangement with France. Count Molé, indeed, is far too enlightened a statesman to have himself entertained such sentiments as were expressed in his despatch; and he yielded, no doubt, to necessities which he could not control. But what must have been the difficulty of successfully conducting commercial negotiations with a foreign Government which is overborne by local influences and private interests so strong and irresistible. But if the failure of the commercial negotiations between the late Government and France was owing to the late Government, how happens it that the present Government have been now ten months in power without having been more successfnl? They came into power loudly expressing, and I have no doubt seriously entertaining, the most friendly sentiments towards France. They were free from the sins, if such they were, of their predecessors; and yet so far from having been able to make any satisfactory commercial arrangement with France, they are in this respect in a worse positon now than when they came in; and have been met by a recent French ordinance extremely hostile to British commerce, and by a treaty between France and Belgium, specially intended for the purpose of extending still further the obstructions which the French ordinance is meant to oppose to British commerce. The hon. Member stated that the late Government was unable to conclude a treaty of commerce with Spain. After what I have said, the reason must be sufficiently apparent to the House. But in Spain also there exist those local prejudices and partial interests which unfortunately have too much power as yet in all countries, to obstruct and arrest commercial improvement. The hon. Gentleman supposes that the comcial treaties of 1838 with Austria and Turkey, have been of little or no advantage to this country. He is much mistaken. Then he says, that the late Government were much to blame for having allowed the Prussian commercial union to be established, and that we ought to have formed a commercial union between England and Austria, or with the whole of southern Germany. A commercial union, indeed, between England and southern Germany! Why you might as well talk of a commercial union between this globe and the moon. The hon. Member for Shrewsbury does not seem exactly to understand what the nature of the Prussian commercial union is. It is an union between several states, whose frontiers touch each other, by which they have agreed to abolish all custom houses along their separate frontier lines, and to make the general and outward circumference of the whole union the custom-house frontier of the whole. By this arrangement, foreign goods, having once passed across this external frontier, pay no further duty when passing from state to state within the interior. They circulate as freely as if they were going from one part to another of the same state. The Prussian commercial union ought to be regarded in two points of view. First, as having destroyed all the internal partitions which used to impede the passage of goods through the several states which compose the union; and, secondly, in relation to the tariff, which the union, as an aggregate body, may adopt for the goods of other countries. Now, so far from that union being in the first of these respects hostile to the commerce of this, or of any other foreign country, on the contrary, the aggregation of so many states into one united body, for custom-house purposes, must be as advantageous to the commerce of other countries trading with that union, as to the commerce of the union itself, provided the general tariff of the union be not too high. But the German union has adopted the Prussian tariff; and why is that tariff so unfavourable to British commerce? Why, because the British Government has been unable to reduce the high duties levied in this country on the principal articles of Prussian produce. It is owing to the maintenance of our high duties on timber and on corn, that a high tariff exists against us in the German union. But if that tariff could be lowered, then the union, instead of being an impediment, would be a facility to the trade of this country. And now that I have explained what the nature of the Prussian commercial union is, I think that even the hon. Member for Shrewsbury himself will see the impracticability of his plan for making a commercial union between England and southern Germany, if, indeed, I have not misunderstood the proposition which he made. But is it in Germany only, that our commercial laws stand in our way? Sweden, though not so populous as Germany, would afford an important market for our woollens, and for other of our manufactures. We have had negotiations with Sweden, and the Swedes were willing to take our goods, but then they said that we must lower our duties on their timber. There we were at a dead lock. We have been told that the late Government was stationary in regard to commercial improvement. That progress had been made before our time, but none by us. Is it really so? By no means. We did attempt to introduce commercial improvement; our first endeavour, indeed, was a small one; much smaller than what was required, perhaps, by the necessity of the case; much smaller, certainly, than that which the very persons who then opposed our measure, have since themselves carried through Parliament. But did we not propose a reduction in the duty on foreign timber? Did we not do so, and were we not beaten? The late Government found it impossible to carry that measure; and they who then opposed us, have now come down with a still larger measure to the same effect. I do not reproach them with having done so; on the contrary, it is to their honour that they have made the proposal, having convinced themselves that it would be for the good of the country. But I must be allowed to say, that if, at the time when we made our proposal, it had been acceded to, and if a considerable reduction had then been made in our timber duties, we should have had a great augmentation in our trade, not with Sweden only, but also with Prussia; and, through Prussia, with a large part of Germany. I feel, therefore, as I have said before, that the censure pronounced upon the late Government is unfounded, and I am satisfied that the more this House and the country examine what we did, and what the obstacles were which prevented us from doing more, the more will they arrive at the conclusion that we performed our duty honestly towards the country, and that we never lost sight of its commercial interests. The right hon. Baronet, the Member for Tamworth, who spoke last, taunted my hon. Friend near me with inconsistency, in having, as he alleged, in one breath, boasted of the part he had taken in helping to carry the tariff, and, at the same time, disparaged the value of that tariff. But it does not appear to me that there is any inconsistency in the line of argument which my hon. Friend pursued. We have never disparaged the tariff; on the contrary, we have always admitted its merits. We have always said that it is founded on sound principles of commerce; that it is a step, and, for the first step, perhaps a great step, forwards, in point of principle. But then we have also always declared that, in its details, it falls short, infinitely short, of those results to which the principles upon which it was propounded must, if carried out, inevitably lead. We look upon it as an instalment, but by no means as a full accomplishment of the views of those who brought it forward; and seeing this, it appears to me that there is no inconsistency in our claiming merit for having assisted the Government in carrying the tariff; and in saying at the same time, that the tariff as it is, and by itself, can have no material effect in mitigating the present distress. That we have assisted the Government in carrying the tariff, no man who looks at the divisions which have taken place can, with justice, deny. Who can forget the memorable division about cattle? When the Head of the Government was proposing his Income-tax, he assured us that we should save our Income-tax by the great cheapness of living, which would result from the changes in the tariff, and more especially from the reduction in the price of provisions. But when the tariff came to be discussed, and the country gentlemen expressed their alarm at the proposed reduction in the duty on foreign cattle, they were assured that their fears were groundless — that there would be no material diminution in the price of cattle, and that consequently those rents which depend upon cattle, would in no degree be affected by the tariff. Now it was not at all unnatural, that many of the supporters of the Government who were dissatisfied with these conflicting statements, and who fancied that their interests were endangered by the tariff, should have united themselves for the purpose of opposing it; and if upon that occasion, the present opposition had followed the example set them by the late opposition upon the question of the timber duties; if we had contented ourselves with declaring that we agreed in the general principle, but thought the measure in itself insignificant and valueless: that to propose it was only trifling with a great principle; that no material good would be accomplished, and that, therefore, things had better be left as they were; if we had done this, and had availed ourselves of the discontent among the supporters of the Government, as our adversaries did of the dissatisfaction of the shipping interest, on the occasion which I allude to, it is pretty evident that this tariff would never have passed into a law. It appears to me, therefore, that there is no inconsistency on the part of my hon. Friends in claiming merit for having aided in passing this measure, while at the same time they declare, that they are not so credulous as to believe that this tariff, some parts of which too will not come into operation for many months to come, can be any effectual remedy for the present distress which weighs so urgently on the country. The right hon. Baronet animadverted with some warmth on the speech of my hon. Friend the Member for the Potteries, who expatiated on the pressure of the Income-tax, and considered it an unnecessary burden. The right hon. Baronet said the Income-tax was not of the present Government's seeking, but was a necessity imposed upon them by the dreadful state in which the finances of the country had been left by their predecessors. There was a deficiency, he said, of 2,500,000*l.* at home, and a deficiency of nearly the same amount in India. Now as to the deficiency in India, I certainly did not expect to hear that brought forward as a ground for imposing an Income-tax on this country; because it is well known that the British Government have no intention whatever of taking that deficiency on themselves. That deficiency must fall on the resources of India, which I am confident are well able to bear it; and the making good of that deficiency is no part of the purpose to which any portion whatever of the produce of the Income-tax is intended to be applied. Let us then throw aside, as not belonging to the question, all consideration of the deficiency in the Indian revenue. But then there is the deficiency in the revenue at home, amounting to somewhere about 2,500,000*l.* I do not dispute the existence of a deficiency of nearly this amount, but at the same time it ought to be borne in mind, that in consequence of measures adopted in a great degree by the late Government, an equal portion of our annual expenditure, that is to say, about 2,500,000*l.*, consists of interests paid on account of terminable annuities, which have been substituted for an equal amount of perpetual annuities; and, therefore, this sum may be considered as so much sinking fund, applied annually for paying off a portion of the national debt. The deficiency has also in part been occasioned by a measure adopted by the late Government, which has given so much general satisfaction, and which, even the right hon. Baronet has admitted to have been productive of so much public advantage, that the present Government has not thought fit to disturb it—I mean the reduction of the postage on letters. I deny then that the deficiency was so great or was so occasioned, as to make it necessary for the Government to have recourse to the Income-tax. We proposed last year measures, which, without throwing any fresh burdens on the people, but on the contrary, by relieving them from some of their existing burdens, and by opening new channels for commerce, would not only have filled up the deficiency, but would have prevented, in a great degree, that extent of distress which we are at present deploring. Seeing this, I contend that the defence set up for the Income-tax must entirely break down. But there is one statement made by the right hon. Batonet in which I perfectly concur. The right hon. Baronet has said that, however afflicting the present distress in the manufacturing districts unquestionably is, he yet feels no despondency as to the ultimate fortunes of the country. On this point I entirely agree with him, for I am convinced that we have, within ourselves, resources sufficient to repair all the evils of the moment, and to replace the country in a state of advancing prosperity. The right hon. Baronet in touching this part of the subject has truly pointed out the increase which has taken place of late years in the commerce of the country. He has shown that during the ten years that we administed the affairs of the country, the value of our annual exports had increased from 37,000,000*l.* in 1831 to 51,000,000*l.* in 1841, being an excess of 14,000,000*l.* in the last, over the amount in the first of those ten years. I do not indeed quite agree with him in what he has said about the increased consumption of sugar during that period, because although the actual amount consumed may have increased, that amount has not kept pace with the increase in our population; but I readily acknowledge that there has, during those ten years, been a great increase in the number of houses in the united kingdom, and that a large addition has been made to invested capital of all kinds, and that there has been a large increase of our manufactures and of our commerce; all proving that this country has within it such a power and vigour of life, that nothing is needed but wisdom on the part of the Government and Legislature, to enable the nation to go on in a career of great and increasing prosperity. But to accomplish this purpose we must remove the obstructions which now check and impede our progress. We cannot look to such an increase as our commerce is susceptible of, while we maintain our restrictive laws. I need not indeed argue this doctrine, because I think I see from the speeches which have been made on the other side, an increasing conviction of its truth. We have been plainly told that this new Corn-law is only an experiment, and that if it should fail in accomplishing the object which its authors had proposed to effect by it, there will be no indisposition another year to reconsider the matter. I accept that intimation with pleasure. As to the address which has been moved by my hon. Friend, I earnestly wish the House to assent to it; for whatever technical objections it may be liable to, and although, as a matter of ordinary practice, I allow that it would be open to considerable objections, yet in the peculiar crisis in which the country at present stands, I think those objections might well be waived. This address, if agreed to, would not indeed be binding on the Government, so as inconveniently to fetter their discretion as to the calling or the not calling Parliament together; but it would be soothing to the country—it would show that this House looks with sympathy upon the distress of the people; it would inspire a gleam of hope into those who are now bowed down by despondency; and would give a spur to industry and exertion. On this account I would waive all those objections of form which on other occasions I might have felt, and am ready to agree to my hon. Friend's address. But, says the right hon. Baronet, this motion, if agreed to, would produce injurious effects upon our commerce, because transactions would be suspended in consequence of an expectation of further changes to be made by Parliament when assembled in an autumnal session. But has not the tariff suspended transactions? Does not the postponed operation of many parts of the tariff necessarily suspend transactions of trade in regard to the commodities to which the postponed reductions relate? For instance, however beneficial in the end the reduction in the duty on timber may be, yet has not the postponement of that reduction to so distant a time as October next, suspended, during the interval, the construction of houses, and the building of ships? And has it not prevented a great deal of employment which would otherwise have arisen in the manufacture of things into which timber enters as an essential element? But, says the right hon. Baronet, if this address is carried, Parliament will have to meet in November. I rather think my hon. Friend did not contemplate so late a meeting. I think that he expects that it would have to meet in October. But, says the right hon. Baronet, if it were to be understood that Parliament was to meet in November, to reconsider the Corn-laws, who would let out the bonded corn? I'll tell the right hon. Baronet who will let out the bonded corn. The Government will let out the bonded corn. They have told us so themselves. In a former debate they let slip the secret. We asked them for a remedy for the distress; they gave us to understand that they had a remedy; and at last out it came. They said they wanted no legislative enactment, but that if the distress should last, they would act on their own responsibility, and like bold men as they are, would let out the bonded corn. I venture to predict, that if Parliament does not meet before November, they will have to let out the bonded corn. And they think this is a remedy; they imagine that the letting out, duty free, at one particular time, a certain quantity of corn which may happen to be then in bond, will be a remedy for a distress which arises, not from a famine—for no famine exists—but from want of employment; many thousand people being unable to buy corn, not because there is no corn to buy, but because they cannot earn the wages, which would enable them to buy it. I invoke the principle laid down distinctly, last night (and I rejoiced to hear it), by the Vice-President of the Board of Trade. That right hon. Gentleman, last night—(the House was very thin, and many who are now present did not hear him, and I am glad to repeat what he said)—that right hon. Gentleman, last night, proposed a measure—a small one to be sure,—a plan for allowing people to take a little flour out of bond without paying duty, on condition of putting a little biscuit into bond in exchange; the whole amount of such exchanges being reckoned by him as not likely to go beyond a hundred thousand quarters in the course of the year; but he recommended his measure by the enunciation of a principle, of which I beg the House to take note, as the noble Lord the Member for North Lancashire has done of my prediction. Whether my prediction is verified or not, is of little moment to anybody. I hope it will fail, because in that case the distress will have diminished: but I trust that the principle announced by the Vice-President of the Board of Trade, will not fail; I trust it will not be repudiated by his Colleagues in the Government; and that we shall see, before we are a year older, the fruits of its application. And what was that principle? Why the right hon. Gentleman said,—

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* From a corrected report.

> "I recommend this measure specially for this reason, that it will give additional employment to labour, that it will give a fresh opening to our commerce, that it will afford to your manufactures the means of exchanging the produce of their labour for the productions of the corn-growing countries."

And then he added,—

> "There is this peculiar advantage in the measure, that it is not an isolated facility or temporary benefit given to commerce, but it is a measure of permanent operation; and it lays the foundation for a steady, firm, and lasting increase to our commerce, by the exchange of our manufactures for food grown abroad."

Now, Sir, that is the principle which we have all along contended for. Not against oratorical displays, but against silent and unwilling hearers; against hearers whom we have not convinced; hearers whom I fear we never shall convince; but hearers who may be convinced, when the same doctrines which we have vainly inculcated, shall be preached to them by the leaders whom they respect and follow: when measures founded upon these doctrines, in their largest and most comprehensive sense, shall be proposed by those leaders to this House; and when those leaders going out into the lobby, followed by their nominal opponents, and opposed by their own supporters, shall triumph in the success of their principles, by the honest and independent assistance of men who have no confidence in the Government.

Mr. *Hume* rose to move that the debate be adjourned ["No, no; divide"]; he had done so at the request of a number of his Friends near him, the hon. Members for Manchester, Stockport, and others, who with himself wished to say a few words on this subject. ["Go on, go on"]. He would allow that the objection of the right hon. Baronet was very fair in ordinary circumstances, but they were not in ordinary circumstances that evening; the public were most anxious to have from the House some remedy for the existing evils. As yet they had only heard from the right hon. Baronet that trial was to be made of the measures that had been passed; but if during the time the people were starving, it was too much that those who took that view should not be heard. He thought the speech of the noble Lord who had just spoken one of the best he had heard in the debate; he had not heard any speech that told so well, or that so fully answered the objections that were raised to the motion. ["Divide."]

Sir *R. Peel* hoped the House would bring the debate to a close that evening, considering how fully this subject had been discussed. He had been there from half-past four, and during a considerable portion of that night's debate not fifty Members were in the House. He must say, it was rather hard in those who had public duties to perform to be present during the whole of the debate, that there should be a very slack attendance until ten or half-past ten o'clock, and that then a proposition should be made to adjourn the debate, and prevent going into committee of supply. He did hope, therefore, that the sense of the House would be in favour of closing the debate that evening. If the hon. Gentleman persisted in his motion, and meant that the debate was to be proceeded with to-morrow, it would offer another obstacle to the progress of public business.

Mr. *Gibson* said, that he for one might be thought to take an extraordinary view of the discussions that had taken place, for his opinion of this question was, that it had not been half discussed; and the universal complaint out of doors was, not that they had spent too much time in discussing the Corn-laws or the distress of the country, but that they had actually shown a disposition to evade this question, and that when brought on the speakers had diverged into topics beside the subject. If there were a division that night, which he thought objectionable, he should feel it his duty, if no one else did it, on the question of going into committee of supply, to move for a committee to inquire into the distress of the country. He thought the real question had not been met. The right hon. Baronet had thrown a colour over the existing state of things, and had brought arguments which they had not yet had an opportunity of answering; he was therefore prepared to support the motion of his hon. Friend for the adjournment of the debate.

Mr. *Cobden* declared he must be grossly misinformed, if the House and the Government were not egregiously in error as to the real state of the country; and, entertaining the firm conviction that herein he was not misinformed, he thought it his duty to use every effort to awaken attention to the alarming truth upon the subject. He should carry the debating on, therefore (even if on the present question there were now a division), did no one else do so, by moving an amendment to supply. He was actuated by no factious motives, but solely by a sense of the condition of the people, whose sufferings he had more opportunities, perhaps, than most hon. Members of observing.

Mr. *Hume* here rose and said, he thought that as many of his hon. Friends would rather speak on the supply, the division might as well take place and his motion for adjournment be withdrawn.

Mr. *Stansfield* said, there was a memorial recently forwarded to the Home-office by his constituents complaining of the present distress and praying for relief. He thought her Majesty's recent letter calling for subscriptions was a most unworthy expedient. He had been requested by his constituents to stop the supplies until something effectual should be done. He, however, deprecated such a course, as he preferred patiently waiting for Government to afford some measures of relief. The people asked for nothing but to be afforded the means of buying their corn by the fruits of their own industry. The manufacturing classes were really groaning under the weight of their misery. They, however, were not disposed to wait any longer. If something be not done immediately, he was afraid to predict the consequences which might follow. His main support was from landed property, but his persuasion was, the whole of his income would, unless the corn-laws were repealed, be absorbed by pauperism alone.

Mr. *T. Duncombe* said, for him to reply was little necessary after the speech of the noble Lord, which was completely triumphant. He perfectly agreed as to the necessity of bringing the real state of the country more and more before the House. The motion, which he felt it his duty to introduce, appeared to him not to have been fairly treated. It was objected to that motion, that it amounted to an interference with the prerogative of the Crown; but had the House of Commons no prorogative? It was said that the tendency of his motion would be, not to ameliorate the condition of the poor, but to aggravate their distress; that doctrine appeared to him incomprehensible—he did not understand how giving the people cheap food and abundance would aggravate their distress. But the right hon. Baronet, the Member for Dorchester, told the House that the motion was absurd: now, was it absurd to demand from the Government an assurance that if there were no amelioration in the condition of the people, they would again call Parliament together before the winter set in, with the view of obtaining for the people a sufficient supply of cheap food? In the face of all that, however, the right hon. Baronet told him that the motion was absurd. It might be absurd to a majority of the House, but it would not be absurd in the eyes of a majority of the people. Hon. Members might leave London, they might go to their pheasant shooting, they might go their parks and their preserves, they might go home to bully their 50*l.* tenants-at-will, and leave the people to starve, with no remedy but another Queen's speech, full of heartless compliments about their forbearance and their fortitude; but did any one suppose that under such circumstances the people would lie down and die? At all events, he and the friends with whom he was in the habit of acting had done their duty, and were therefore not responsible for the consequences; the whole of the responsibility rested with the Government,—it would rest upon them, and on the heads of those who supported them. They had been warned in time, but they treated that warning with indifference and disrespect.

The House divided:—Ayes 91; Noes 147: Majority 56.

List of the AYES.

Aglionby, H. A.
Aldam, W.
Barnard, E. G.

Berkeley, hon. C.
Berkeley, hon. Capt.
Bernal, R.

Blake, M.
Bowring, Dr.
Brotherton, J.
Busfeild, W.
Callaghan, D.
Cavendish, hon. G. H.
Clay, Sir W.
Clive, E. B.
Cobden, R.
Colborne, hn. W.N.R.
Colebrooke, Sir T. E.
Crawford, W. S.
Dalmeny, Lord
Dennistoun, J.
Duff, J.
Duncan, G.
Dundas, Adm.
Easthope, Sir J.
Ebrington, Visct.
Ellice, rt. hon. E.
Ellis, W.
Elphinstone, H.
Etwall, R.
Ewart, W.
Ferguson, Col.
Fielden, J.
Fitzroy, Lord C.
Fox, C. R.
Gibson, T. M.
Gill, T.
Gore, hon. R.
Guest, Sir J.
Hall, Sir B.
Hastie, A.
Hatton, Capt. V.
Hill, Lord M.
Howard, P. H.
Hume, J.
Hutt, W.
Johnson, Gen.
Langston, J. H.
Langton, W. G.
Mangles, R. D.
Marshall, W.
Mitchell, T. A.
Morris, D.
Muntz, G. F.
Napier, Sir C.
O'Connell, D.
O'Connell, M. J.
Paget, Lord A.
Palmerston, Visct.
Parker, J.
Pechell, Capt.
Philips, M.
Plumridge, Capt.
Ponsonby, hn. J. G.
Pryse, P.
Pulsford, R.
Rice, E. R.
Ricardo, J. L.
Roche, Sir D.
Rundle, J.
Russell, Lord E.
Scholefield, J.
Seymour, Lord
Smith, B.
Smith, rt. hn. R. V.
Somers, J. P.
Somerville, Sir W. M.
Stansfield, W. R. C.
Strutt, E.
Tancred, H. W.
Thornely, T.
Tufnell, H.
Villiers, hon. C.
Walker, R.
Ward, H. G.
Wawn, J. T.
Wilshere, W.
Wood, B.
Wood, G. W.
Wrightson, W. B.
Wyse, T.
Yorke, H. R.

TELLERS.

Duncombe, T. S.
Hawes, B.

List of the NOES.

Acland, Sir T. D.
A'Court, Capt.
Allix, J. P.
Antrobus, E.
Archdall, Capt.
Arkwright, G.
Baird, W.
Baldwin, B.
Bankes, G.
Baring, hon. W. B.
Barrington, Visct.
Baskerville, T. B. M.
Bentinck, Lord G.
Blackburne, J. I.
Blackstone, W. S.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Bruce, Lord E.
Buller, Sir J. Y.
Burdett, Sir F.
Burroughes, H. N.
Cardwell, E.
Chelsea, Visct.
Chetwode, Sir J.
Chute, W. L. W.
Clayton, R. R.
Clerk, Sir G.
Clive, hon. R. H.
Cockburn, rt.hn. Sir G.
Collett, W. R.
Colvile, C. R.
Corry, rt. hon. H.
Courtenay, Lord
Cripps, W.
Damer, hon. Col.
Darby, G.
Denison, E. B.
Disraeli, B.
Douglas, Sir H.
Douglas, Sir C. E.
Douglas, J. D. S.
Duffield, T.
Duncombe, hon. A.
East, J. B.
Egerton, W. T.
Eliot, Lord
Escott, B.
Farnham, E. B.
Feilden, W.
Fitzroy, Capt.
Flower, Sir J.
Follett, Sir W. W.
Forbes, W.
Forester, hn. G. C.W.
Fuller, A. E.
Gaskell, J. Milnes.
Gladstone, rt.hn.W.E.
Gladstone, T.
Gordon, hon. Capt.
Gore, M.
Gore, W. R. O.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Granby, Marq. of
Grant, Sir A. C.
Greene, T.
Gregory, W. H.
Grogan, E.
Hale, R. B.
Halford, H.
Hamilton, W. J.
Hamilton, Lord C.
Harcourt, G. G.
Hardinge, rt. hn. Sir H.
Hardy, J.
Henley, J. W.
Herbert, hon. S.
Hervey, Lord A.
Hinde, J. H.
Hodgson, R.
Hogg, J. W.
Hope, hon. C.
Hornby, J.
Hughes, W. B.
Hussey, T.
Inglis, Sir R. H.
Irving, J.
Jermyn, Earl.
Jolliffe, Sir W. G. H.
Jones, Capt.
Ker, D. S.
Knatchbull, rt. hn. Sir E.
Knight, H. G.
Knight, F. W.
Lefroy, A.
Lincoln, Earl of
Lindsey, H. H.
Litton, E.
Lockhart, W.
Lowther, J. H.
Lowther, hon. Col.
Mackenzie, W. F.
Mc Geachey, F. A.
March, Earl of
Meynell, Capt.
Milnes, R. M.
Morgan, O.
Mundy, E. M.
Neeld, J.
Newport, Visct.
Newry, Visct.
Nicholl, rt. hon. J.
Norreys, Lord
Packe, C. W.
Packington, J. S.
Palmer, R.
Palmer, G.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Pemberton, T.
Polhill, F.
Pringle, A.
Rashleigh, W.
Repton, G. W. J.
Rose, rt. hon. Sir G.
Rous, hon. Capt.
Rushbrooke, Col.
Sheppard, T.
Somerset, Lord G.
Stanley, Lord
Stewart, J.
Sutton, hon. H. M.
Taylor, J. A.
Thompson, Ald.
Thornhill, G.
Tollemache, J.
Trench, Sir F. W.
Trollope, Sir J.
Tyrell, Sir J. T.
Verner, Col.
Vivian, J. E.
Walsh, Sir J. B.
Wodehouse, E.
Wood, Col. T.
Young, J.

TELLERS.

Fremantle, Sir T.
Baring, H.

SOUTH AUSTRALIA.] Lord *Stanley* moved the third reading of the South Australia Bill.

Mr. *Hume* said, the management of this bill was the most strange of any which he had ever seen, it not having passed through one of its stages until after one o'clock. The House seemed to be quite indifferent to the giving away the money of the distressed people. Were hon. Members aware that this Bill actually gave away 400,000*l.* to the colony? He intended to move that the Bill be read a third time that day three months, but he believed that he was quite in order in moving a resolution he had prepared. The hon. Member moved as an amendment the following resolutions:

1. "That it appears by the evidence laid before this House by the select committee appointed in 1841, 'to consider the Acts relating to South Australia, and the actual state of the colony,' that under the Act 4 and 5 William 4, c. 95, the commissioners for managing the affairs of that colony borrowed, on the following conditions, the amount of 85,800*l.* sterling, to defray the expenses of the colonization and government thereof, viz. the sum of 39,000*l.* bearing an interest of 10*l.* per cent., and 46,800*l.* bearing an interest of 6*l.* per cent., payable from and out of the ordinary revenue, or the produce of all the rates, duties, and taxes to be levied and collected as the said Act directed in the province of South Australia; and, in case the ordinary revenue shall be insufficient to discharge the obligations of those securities, then the public lands of the said province remaining unsold, and the monies to be obtained by the sale thereof, shall be deemed a collateral security for the principal and interest of these amounts:

2. "That the select committee reported their opinion to this House, that it was expedient to advance out of the public treasury certain sums, to enable the commissioners to discharge a large amount of bills drawn by the Governor of the colony, and thus to support the credit and afford relief to the colonists of South Australia: and it was at the same time recommended, that all sums so advanced under any Act of that Session, should constitute the public debt of the said province; and that the Crown should be authorised to call for repayment of all such advances of money, on the principle adopted for the recovery of money advanced for public works, not exceeding the rate of 5 per cent. per annum: and it further appears, that, under the Act 4 Victoria c. 13, the sum of 155,000*l.* sterling was accordingly advanced from the Public Treasury as a loan to the commissioners of the South Australian colony, the principal and interest to be repaid in such a manner as should by any Act passed in the same Session be directed:

3. "That it is now proposed by the Bill before the House to relieve the colony from the payment of interest on that sum of 85,800*l.*, and to place that amount as a charge upon the consolidated fund of this country, at the rate of 3½ per cent. per annum, and thereby add to the already heavy burdens of the people:

4. "That it is further proposed by this Bill to relieve the revenues and lands of the colony of South Australia from all claims for repayment of the loan of 155,000*l.* sterling advanced under the act of last session, and to add that amount in perpetuity to the national debt of this country:

5. "That, under these circumstances, it would be a shameful waste of public money for this House to sanction, by this bill, the addition of these sums, amounting to 240,800*l.* sterling to the already heavy burdens of the people of this country.

Mr. *B. Wood* supported the amendment.

The *Chancellor of the Exchequer* supported the Bill, and denied that he was in any manner responsible for the proposition, all the arrangements having been made by the late Government.

Amendment negatived.

The House divided on the question, that the Bill be now read a third time:—Ayes 68; Noes 15: Majority 53.

List of the AYES.

Acland, Sir T. D.
Archdall, Capt.
Baldwin, B.
Bankes, G.
Barrington, Visct.
Bentinck, Lord G.
Blackburn, J. I.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Bruce, Lord E.
Burroughes, H. N.
Cardwell, E.
Clerk, Sir G.
Collett, W. R.
Colvile, C. R.
Damer, hon. Col.
Darby, G.
Douglas, Sir C. E.
Easthope, Sir J.
Ebrington, Visct.
Eliot, Lord
Ferguson, Sir R. A.
Forbes, W.
Fuller, A. E.
Gaskell, J. Milnes.
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Gore, hon. R.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greene, T.
Hale, R. B.
Hamilton, W. J.
Harcourt, G. G.
Hardinge, rt. hn. Sir H.
Henley, J. W.
Herbert, hon. S.
Hinde, J. H.
Hodgson, R.
Hornby, J.
Howard, P. H.
Hughes, W. B.
Inglis, Sir R. H.
Jermyn, Earl
Jolliffe, Sir W. G. H.
Knatchbull, rt. hn. Sir E.
Lincoln, Earl of
Litton, E.
Mackenzie, W. F.
Meynell, Capt.
Morgan, O.
Munday, E. M.
Muntz, G. F.
Packe, C. W.
Parker, J.
Peel, rt. hon. Sir R.
Peel, J.
Philips, M.
Pringle, A.
Rashleigh, W.
Rushbrooke, Col.
Smith, rt. hon. R. V.
Somerset, Lord G.
Stanley, Lord
Sutton, hon. H. M.
Wood, G. W.
Young, J.

TELLERS.
Baring, H.
Fremantle, Sir T.

List of the NOES.

Aldam, W.
Bowring, Dr.
Brotherton, J.
Cobden, R.
Duncan, G.
Ewart, W.
Fielden, J.
Gibson, T. M.
Johnson, Gen.
O'Connell, M. J.
Scholefield, J.
Thornely, T.

	TELLERS.
Walker, R.	
Wawn, J.T.	Aglionby, H.
Wood, B.	Hume J.

House adjourned at three o'clock.

HOUSE OF LORDS,

Friday, July 22, 1842.

MINUTES.] BILLS. *Public.*—1ª· South Australia; Exchequer Bills Preparation; Custom's Duties Amendment; Bankruptcy Law Improvement; Debtor and Creditor (Lord Brougham's Bills).

Committed.—Bankruptcy Law Amendment; County Courts (Lord Chancellor's Bills.)

3ª· and passed:—Fisheries Treaties Acts Continuance; Slave Trade Treaties Continuance; Turnpike Acts; Militia Ballots Suspension.

PETITIONS PRESENTED. By Lord Wharncliffe, from Benjamin Ellison, for compensation, should the Mines and Collieries Bill become Law.

STATE OF THE COUNTRY.] The Earl of *Radnor* said, he had to move for certain returns relative to the importation of corn, to which he understood there would be no objection, and he would take that opportunity of asking the noble Lord the President of the Council to state what were the grounds of the hope which he expressed on a former evening that trade would improve. He was anxious to hear those grounds, not from any impertinent curiosity, but from the desire he felt to hear of anything which would give a prospect of any improvement in the condition of the country. That distress prevailed to a great and alarming extent was admitted on all hands. Indeed, almost every person who spoke on the subject in that or the other House, or in the country, had but one opinion on it—all, all admitted the fact; but with some there was a "nevertheless," as if we were to get on to our former prosperous condition as a matter of course. Now, he did not find fault with those who were sanguine enough to entertain such hopes; but when they were expressed in high and authoritative quarters, he should like to hear the grounds on which they rested. For his own part, everything he saw or heard, or read in the public papers, would lead him to come to a conclusion very different from those who looked to the future with such hopes. One account mentioned in the other House stated that there were in Paisley not less than 1,700 persons moving about in a state of utter destitution. Another account given by a gentleman from Nottingham stated, that large numbers of unemployed persons were roaming about the country in bands asking for alms, and, though they did no more than ask for relief, yet it was in such a significant manner that few persons considered it safe to refuse them. He had also heard that several of the fire insurance-offices had sent directions to their agents through the country, enjoining on them not to give insurances upon agricultural produce until they had made the most searching inquiries into the state of feeling in the particular district, and also, as to whether the person whose produce was to be insured was popular with his workmen. In this alarming state of the country, it would be quite satisfactory to hear from the noble Lord opposite the grounds on which on a former evening he had expressed a hope that trade would get better. The noble Lord then read the motion. It was for returns showing the actual quantity of wheat imported and admitted into bond in each week, from the passing of the late act relating to the importation of foreign corn to the latest period to which the same could be made out, distinguishing the price and the rate of duty in each week.

Lord *Wharncliffe* thought it hard to be called upon in this way, and as it were taken by surprise, to state the grounds on which he had given an opinion on a former evening. One ground of his hope was in the measures which had been adopted by Government, and which he had no doubt, if allowed to work fairly, would be greatly beneficial to the country. That, at least, was his own opinion, and he saw in it good ground of hope for improvement. The Corn-law, as it had passed the Legislature, was calculated to be beneficial, if fairly tried; but it would be impossible that trade could he healthy while the Corn-law agitation was carried on through the country, and while it was made to seem uncertain whether Government was firm and strong enough to maintain the Corn-law in its present state. He would again contend that if that law was allowed to work fairly it would do much good. The working of the new tariff also, in his opinion, afforded good ground for hope of improvement.

The Marquess of *Clanricarde* wished to know what the noble Lord meant when he said the late Corn-law would do much good? That character of the act would, he fancied, be differently interpreted by different parties, for it was well known that some voted for the late act in the belief that it would raise the price of corn, while others supported it in the hope that it would lower that price.

Lord *Wharncliffe* said, that his notion of the Corn-law was this, and his meaning in using the term to which the noble Marquess referred was the same, that it would have the effect of keeping prices steady, and of enabling trade to be carried on with fair play, which would be the case if the corn agitation ceased.

The Earl of *Radnor* was afraid, that if trade had not fair play until the Corn-law agitation was at an end, it would never have it until the cause of that agitation was removed.

Law of Debtor and Creditor.] Lord *Brougham* said, he had to lay on their Lordships' Table two bills which had for their object to improve the law of bankruptcy in certain cases, to facilitate arrangements between debtor and creditor, and to alter materially the law of imprisonment for debt. His noble and learned Friend (Lord Cottenham) had given notice of his intention to introduce a bill next Session for the total abolition of imprisonment for debt. He was sorry that his noble and learned Friend had not laid his bill on the Table in the present Session, as their Lordships would have had the advantage of considering it during the recess. The present bills did not either of them go the length of total abolition of imprisonment for debt, but they tended greatly to relax the operation of the law, and to make it work that abolition completely. In the reforms that had been already made in the law the principle of imprisonment had also been much relaxed, while additional facilities were given to the creditor to recover his property from his debtor. By the first of the bills which he now presented, great facilities were also given for arrangements between debtor and creditor, with the view just mentioned, and by the second protection from arrest to the person of the debtor was effectually afforded. It left the general law of debtor and creditor just as it was, but a power of protecting the debtor was conferred on the Bankrupt commissioners; while the debtor was enabled to enter into a composition with his creditors, with the sanction of the commissioners. The first of the bills was drawn up with great skill and practical knowledge. He said this very willingly, for he had had nothing to do with framing it. One of the learned commissioners (Commissioner Fonblanque) had devoted his attention to the task with much success. The second bill which he (Lord Brougham) had prepared, had the same object, but it went further. It relaxed the law of imprisonment for debt, but on a principle different from that of the other bill. If he could persuade their Lordships to pass a measure for the total and immediate abolition of imprisonment for debt, with, of course, due safeguards in cases of fraud, the present bill would not be so necessary, but it went on the supposition that a total and immediate abolition of imprisonment for debt could not be obtained. It therefore proposed greatly to relax the law which it did not abolish, and to preserve the law only for the purpose of working that abolition less directly. It enabled every debtor to petition a court of bankruptcy, due notice being given to three-fourths of his creditors in number and value, and there to submit himself to examination as to his debts and mode of contracting them, his assets, and the debts due to him. He might produce witnesses, and the creditors might have the whole of his affairs undergo the most strict investigation. At this hearing any of his creditors might oppose the debtor's discharge; but, unless the court saw good cause shown to the contrary, it had the power, and of course the duty, to protect the debtor's person. This protection might be extended from time to time, till the final examination, and then a perpetual protection be given. But this protection might at any subsequent time be withdrawn, upon proof, being made to the Court's satisfaction that property had been fraudulently concealed, or any other act done which would have justified the refusal of protection. This would be the means of securing *boná fide* statements as to debts and dispositions of property. He thought the provisions of the two bills would be most useful in their operation, and he now moved that they be read a first time.

Lord *Cottenham* hoped the bills were not brought in on the assumption of the fact that their Lordships were hostile to, and would not pass, the larger measure of relief in the bill of which he had given notice, for the total abolition of imprisonment for debt. He saw no reason to despair of being able to induce their Lordships to go with the whole principle of his bill.

Lord *Brougham* had no doubt, that this second bill would facilitate the total abolition, if it should be found not to affect that object of itself, which he trusted it would.

Bills read a first time.

MINES AND COLLIERIES BILL.] Lord *Wharncliffe* presented a petition from Benjamin Ellison, praying for compensation in case the Mines and Collieries Bill should pass.

The Marquess of *Normanby* would take advantage of that opportunity to defend the appointment of the sub-commissioners, which had been impugned. He thought that it was proper that the precedent set with respect to the New Poor-law should be followed, and the evidence not taken on oath. As to the evidence he believed it had been taken fairly. As to the bill, he said, in its present state, he believed it would give satisfaction, and hoped soon to see it receive the sanction of their Lordships.

The Marquess of *Londonderry* complained of the digest of the report; it was very unfair; and as to the appointments of the sub-commissioners, he conceived them to be very improper.

Lord *Campbell* said, the petition being for a grant of money, it could not be received without the sanction of the Crown. As to the objection that the evidence taken by the commissioners not being on oath, it was a doubtful point whether under a commission issued by the Crown, parties could be examined on oath.

The Marquess of *Normanby* declared that the noble Marquess (the Marquess of Londonderry) had not given an accurate description of the digest.

Adjourned.

HOUSE OF COMMONS,

Friday, July 22, 1842.

MINUTES.] BILLS. *Public.*—1°. Lunacy.

2°. Joint Stock Banking Companies.

Committed.—Bonded Corn (No. 2); Grand Jury Presentments (Ireland).

Reported.—Assessed Taxes (No. 2); Manchester, Birmingham, and Bolton Police; Stamp Duties; Game Certificates (Ireland).

3°. and passed:—Poor Law Amendment; Licensed Lunatic Asylums; Customs Acts Amendment; Exchequer Bills Preparation; Fisheries (Ireland).

Private.—*Reported.*—Pilkington's (Swinnerton's) Estate; Mostyn's Estate; Marquess of Tweedale's Estate; Duke of Bridgewater's Estate; Calland's Estate; Lord Southampton's Estate; Lord Lorton's (Countess of Rosse's) Estate; Verconsin's Naturalization; Bishop of Derry's Estate.

PETITIONS PRESENTED. By Mr. Lockhart, from Burghs and Parochial Schoolmasters of Hamilton, for ameliorating their condition.—By Dr. Bowring, from Bolton-le-Moors; and by Mr. Parker, from the Secretary of the Provincial, Medical, and Surgical Association at Worcester, for Medical Reform.—By the Solicitor-General, from Islington, and the Eastern district of St. John, Clerkenwell, for the Redemption of the Tolls on Waterloo and the other Metropolitan Bridges.—By Mr. Archdall, from the Grand Jury of Fermanagh, for the revision of the Law of Grand Jury Presentments (Ireland).—By Mr. Barclay, from Sunderland Union, against the Poor-law Amendment Bill.—By Mr. J. O'Brien, from Limerick and the Foreman of the Grand Jury of Sligo, against placing Medical Charities under the control of the Poor-law Commissioners.—By Mr. O'Connell, from Leeds, for the Repeal of the Union with Ireland, and from Kilkenny, for Regulating the hours of Labour for Bakers in Ireland).—By Mr. Gregory, from the Churchwardens of St. Mary's, Dublin, for the Alteration of the mode of Assessing the Wide Street Tax.—From Thetford, for Inquiry into the course of Instruction pursued at Maynooth.—By Mr. S. Crawford, from Nottingham, for the Issue of the Writ for that Town.—By Mr. T. Duncombe, from a Public Meeting at Sheffield, for a free Pardon for all Political Offenders.—From James Nelson, for a Repeal of the Corn-laws.—From Samuel Gordon, for an Inquiry into the Court of Chancery (Ireland).—From Samuel Clark, against the Tobacco Regulations Bill.—From Samuel Dickson, for revision of the Report of the Expenditure on the Shannon Navigation.

NEWCASTLE-UNDER-LYME.] Lord *Ashley*, as chairman of the committee appointed to try the merits of the petition in this case, appeared at the bar with their report, stating that they found John Quincy Harris, esq., was not duly elected to serve in Parliament for that borough, and that John Colquhoun, esq., was duly elected, and ought to have been returned.

Report to be entered on the journals.

LUNACY BILL.] Sir *J. Graham* moved that the Lunacy Bill brought down from the House of Lords, be read a first time.

Mr. *C. Buller*: I beg to ask the right hon. Gentleman whether this is one of the bills which the Lord Chancellor has brought in for the reform of the law in the House of Lords; and whether it is the intention of the Government to proceed in this House with those bills introduced at a very early period of this Session into the House of Lords, which were laid on their Table without having anything done in them until now, that House having little or nothing else to do. I do not make any objection to this bill, for I am not acquainted with its provisions, but I see amongst the Lord Chancellor's bills a County Courts Bill, and a bill with respect to bankruptcy. Both of them are of great importance, and effect great changes in the law. One of them, certainly, creates a change of great benefit. I only regret it has been so long postponed. But after giving up so many measures, and at this period of the Session, when, I suppose, three-fourths of the Members have left town, and when almost almost all the Members of the legal profession, particularly of the common law branch of it, are engaged on circuit, I wish to know whether the Government really intend to pass these bills.

Sir *J. Graham*: The hon. and learned Gentleman is quite right in supposing that this measure is more or less connected with the important bills to which he has referred. The hon. and learned Gentleman must be aware that the subject of the County Courts Bill has been discussed at various periods, both in this and in the other House of Parliament. A committee to inquire into it sat last Session, and I think in a former Session; and a measure was subsequently introduced, discussed at great length, and matured with great care. The measure in its present shape is the result of the inquiry of the committee last year. It is the intention of the Government to submit these measures, as now brought forward, to this House. I have great confidence they will meet with general acceptance; but if any serious opposition should arise (which I do not anticipate), I shall not press them. At present I believe the general opinion of the House to be that they are decided and clear improvements of the law, and that being my conviction, I think it very desirable they should be passed.

Bill read a first time.

IMPORTATION OF CORN.] Mr. *Hawes* wished to know from the right hon. Vice-President of the Board of Trade, whether he intended in the course of the present Session to introduce any bill amending the act passed with reference to the importation of corn. He did not of course mean any bill touching the general question, but as there was great ambiguity in many of its details, and as parties were put to expense in litigating questions arising out of them, he wished to know whether an act to correct those errors would be brought forward in the present Parliament.

Mr. *Gladstone* was not about to defend the wording of the present act, or that part of it which led to litigation. But there was no intention, in consequence of what had occurred, to amend the act in the course of the present Session.

Mr. *Hawes:* Then is the clause relating to importation from Malta to remain as it is?

Mr. *Gladstone:* Yes.

POOR-LAW.] Mr. *Fielden* said, that seeing the notice of the third reading of this bill on the paper, he put it to the right hon. Secretary for the Home Department, whether he could with propriety proceed with it. He need not say that he took a deep interest in this bill, but he could not say what it at present contained. It was cut down to four or five clauses, and the right hon. Baronet had introduced some amendments into it; but no Member knew what the exact words of each clause were. As he thought it would be very unfair to press it under such circumstances, he should feel it his duty to move that the bill be printed.

Sir *J. Graham* said, if he had made any important alterations in this bill he should feel the force of the hon. Gentleman's observations, but every one of those clauses had been before the House and the public for three or four months. He had stated when the bill was in committee, that after the first four clauses were agreed to, he should not press the others. He stated the nature of those clauses which he meant to propose; the chairman of the committee had omitted the others, and the clauses which he desired to pass were left, word for word, as they originally stood. He could not think that any hon. Gentleman was taken by surprise at this stage of the bill. There never was a measure more deliberately and fully discussed. If the hon. Gentleman impeded the further progress of the measure, he should take the sense of the House on the proceeding.

CUSTOMS ACT—PROVISIONS IN BOND.] On the question that the Customs Act Amendment Bill be read a third time,

Mr. *C. Buller* said, he had heard with some astonishment, of an extraordinary change of purpose on the part of the Government. He was told in the City, a few days ago, that an order came down from the Treasury, stating that provisions were to be taken out of bond for the purpose of victualling ships free of duty, and two days after another order was issued that provisions were to pay duty up to the 10th of October. The large shipowner who had given him this information stated that he actually took out a considerable quantity free of duty, and in the space of time he had mentioned was prohibited from having the remainder with a like freedom from duty. He did not know how the law was to operate in regulating those duties, but it was certainly necessary for the Government to explain this apparent vacillation of conduct.

Mr. *Gladstone* said, that it was a mistake to suppose that any such order as the hon. Member had alluded to had been issued. Notice had been given to the parties engaged in the provision trade, that the duties on foreign provisions would be continued for a year longer by the Customs' Acts Amendment Bill, which stood for a third reading that day. The object of that regulation was to allow our own provision dealers to get rid of the stock which they had on hand. It was owing solely to an oversight the provision was not made for the circumstance in the tariff.

Bill read a third time and passed.

EDUCATION.] Viscount *Palmerston* said, he would take this opportunity of asking a question relative to the intentions of Government on the subject of education. Some time ago the President of the Council presented a petition in the other House of Parliament from the classes at Exeter-hall, and the noble Lord accompanied the presentation of the petition, with a speech, which, for the liberality of sentiment, and enlightened views embodied in it, reflected great honour upon himself, and the Government of which he was a Member. In the course of his speech the noble Lord stated, that the House of Commons would not do its duty if it did not increase the annual grant for the purposes of education. Of course, the general impression created by the noble Lord's speech was, that it was the intention of the Government, of which the noble Lord was a prominent Member, to increase the grant for education by proposing an additional estimate for that purpose. As the committee of supply was now drawing to a close, he hoped the right hon. Baronet would permit him to ask, whether it were the intention of the Government to propose any additional grant for the purpose in question? He, at the same time, begged to assure the right hon. Baronet, speaking for himself, that it would give him the greatest possible satisfaction to support any such proposal, if it should be made by the Government.

Sir *R. Peel* said, that he was to have met his noble Friend, the President of the Council, that day, to communicate with him on the subject, but had unavoidably been prevented. He feared he could not give any assurance that an additional grant would be proposed this Session

AMENDMENT OF THE POOR-LAW.] Sir *J. Graham* moved the Poor-law Amendment Bill be read a third time.

Mr. *S. Crawford* said, this bill was utterly barren of any provisions for the relief of the poor from the oppressive working of the present law; its only effect would be to continue the commission for five years longer. The question then was, would the House consent to a bill with such an object, in the face of all the objections brought against the arbitrary character and proceedings of the commissioners? He would remind the House that to those objections no satisfactory answer had been given. The commissioners, it was proved, had been guilty of the unnecessary and unreasonable forcing of the in-door test in cases where it was clearly absurd to attempt this—where there was sufficient accommodation for the poor, and they could not be relieved in the House. The next charge against them was for obstinately directing the use of unwholesome or inadequate diet for the paupers, and commanding it to be continued, although they knew that it produced disease. The facts brought forward to support these charges had never been disproved, and the charges accordingly remained in full force. The next charge against the commissioners was, that they permitted extraordinary and excessive punishments;—that was not denied. Another charge was, that the rules of the commissioners affecting aged persons were inhuman and cruel; the aged and infirm were put under the same roof with the able-bodied, and kept in such a condition that life could not be sustained. He challenged any hon. Member who supported the bill to show that these charges were false; the only answer to them was, that such things had been done in other places and at a former time, but that was no justification of the present conduct of the commissioners. Another strong objection to the bill was, that it gave no power of appeal to the poor man against the acts of the guardians or commissioners. Again, the distance of the poor from the workhouses was generally so great, that it was impossible for them to make their wants known. The House was now asked to renew the commission for five years, under a promise from the Government that they would introduce a remedial bill next Session. That was a pledge on which no reliance could be placed, as its fulfilment entirely depended on circumstances. After the conduct of Ministers, in dividing the bill, and taking only the clauses affecting the commission, in the face of their declaration that it must be passed entire, how could the House rely on the pledge now given, to bring in a new bill in the next Session, when the intentions of Government might be defeated? He had little hope from a change of Ministers, for those who should succeed the present Government were even more hostile to the interests of the poor, and he should be even more distrustful of them than of the existing Administration. He might be told that if the House refused to pass this bill everything would be left in confusion. He was not of opinion that the affairs of the poor would be worse administered if the commissioners were to die a legal death. But there was another remedy. If the House refused to pass this bill a new bill might be brought in to continue the commission for another year. The present measure was framed on the principles of Malthus, and was designed for the purpose of lessening the population of this country by reducing the poor to such a condition of hardship that they could not live. The poor considered that this bill originated in a desire to oppress them, that it proceeded from a conspiracy of the rich against the poor; and was it safe in the House to give them ground for such an opinion? The double effect of the New Poor-law had been to raise rents and reduce wages. This had been proved by the most incontestible evidence, adduced in that House by the hon. Member for Oldham, and also by several most respectable witnesses before the Wages Committee. He had another grave objection to this bill, founded on its unconstitutional character. The 1st, 15th, 21st, 25th, 26th, and 32nd clauses gave the most arbitrary and unconstitutional powers to the Poor-law commissioners. They were invested with power to tax the people and to make laws; indeed, every power which the Legislature itself possessed had been transferred to these commissioners. He could not conceive on what grounds those who professed to be the friends of the people and the advocates of public liberty could give their assent to such a bill as this. It not only dertroyed all the local boards of guardians, but it struck at the very root of all representation. If this bill passed, representation would be a humbug. They heard much in recent debates of the distress prevailing in the country, and it was fit that the House should properly investigate that subject. The greatest relief, however, which could be administered, at least to those who most required it, would, he was convinced, be afforded through a humane and charitable Poor-law; but he was sorry to find that those who talked most loudly of the prevailing distress were supporters of the present bill. The most effectual mode of alleviating distress would be to give the poor an effective claim against the rich for maintenance and support, and then the rich would be glad to repeal the Corn-laws, in order that the labouring classes might have a chance of supporting themselves. He deeply lamented, notwithstanding the detailed account he gave the other night of the distress and starvation which prevailed in Ireland, Ministers had not allowed a word of consolation or comfort to escape their lips. He implored them to break their silence, and tell the country what they meant to do to relieve the agonizing distress which in some parts existed in Ireland. He did not speak on this subject with anything like party feeling; he did not expect that a large number would support the motion he was about to make; but he was not ashamed to appear in a small minority on this question. At all events, he would rather glory in being in a small minority supporting the rights of the poor, than in the largest majority against them. He begged to move, that the bill be read a third time that day three months.

Mr. *Fielden* seconded the motion. His hon. Friend, in taking the course he had adopted from the first with reference to this bill, had ably discharged his duty to his constituents and to the country at large. If this bill were passed, he would not be answerable for the consequences which might follow. Its tendency undoubtedly was to render the labouring classes desperate and drive them to acts of madness. If he were a labouring man, and required relief, he would not go into one of these workhouses, which he contended had been most properly designated dens of murder. If they continued in this way to grind the faces of the poor, acts of insubordination would follow, and, although they might repress them for a while, they would find the spirit of resistance too strong for them ere long. If they attempted to carry out this bill for another five years, they would find their own reign would be short indeed. He felt strongly on this subject; it was his duty to speak out; and he should be doing the greatest injustice to himself, and those who sent him there, if he did not do all in his power to oppose this bill. He could regard it in no other light than as an act to starve the poor, and reduce the wages of the labouring man. He had that very morning received a letter, from Bicester, Oxfordshire, which he would read to the House. The hon. Member read the letter, to the following effect:—

"I have just read, with astonishment, Sir J. Graham's statement relative to the beneficial effect of the New Poor-law in rural districts. The fact is that the Corn-law and the Poor-law together have reduced tens of thousands of field labourers in the rural districts to a state of abject slavery, starvation, and nakedness. It is really heartrending in this once flourishing, but now suffering country, to hear its rulers, who profess to be the guardians of our peace, comforts, and prosperity, talk like Sir J. Graham, in the face of so many facts, which declare that the field labourers, at this moment, are starving for want of work. Two days ago I met a person in the street, and asked him how it was that he was not working. The poor man, who is well known to me as a sober and good workman, answered, 'I cannot get a day's work. I have walked fifty miles, but cannot meet with any employment. I have made application to go with my family to the workhouse, but they would not receive us. They said there was plenty of work about.' This is the very best time of year for work in this neighbourhood, and yet there are many good labourers, with large families, without work; and when they apply to the workhouse for workhouse room, they are told there is plenty of work. Between the New Poor-law and the Corn-law, the industrious classes are in a wretched condition. May God, in his mercy, avert the national calamity which the words and acts of some of our rulers are calculated to bring about!"

It appeared, from this letter, that this poor man had been walking fifty miles for work. They treated the poor worse than dogs—worse than the animals they kept in their stables. If the land was properly cultivated—if labour was employed to cause the land to yield its full produce, there would then be no further dispute about the Corn-law; but they first passed a Corn-law to keep up the price of bread, and then they passed a Poor-law to keep down the rates. It had been undeniably proved, before a committee on which he sat, that, when the poor man entered the workhouse, he was obliged to give up his goods. Therefore it was only the severest possible distress that could force a man to the workhouse, after he had disposed of everything belonging to him. When the Poor-law was originally introduced, there was a clause in it enacting that out-door relief should be refused to able-bodied men, after the 31st of July, 1835; but this clause was withdrawn. Now he asked, why did not the Government do what they got the commissioners to do? This was a cowardly course of proceeding. He did not expect his opposition to the bill to be successful. Nearly all the Liberal and Conservative Members would vote for the third reading. Still he would discharge his duty. The conduct of that House was oppressive to the poor. They passed laws to make food dear, and then they passed other laws to reduce the rate of wages. If they thought the labourers of the country would bear this, they were mistaken. He had been warning them for ten years of the approach of distress; and now that distress had come. He would now endeavour to impress on the minds of the Government what must be the consequence of continuing the commission for five or six years. The labouring men of England hoped, when a Conservative Government came into power, it would act on Conservative principles, and that their condition would be bettered. They had been disappointed, and a feeling of revenge was springing up in their bosoms, and would be manifested in a way which all would have to deplore. To what condition were they reducing the poor? They were driving them to steal, or, perhaps to become murderers. He entreated the House not to read the bill a third time. Had it been proposed to continue the commission for one year, so as to afford time to consider the condition of the poor, he would not have been disposed to interfere. He advised the House to beware in time. They could not carry into operation the Poor-law and the Corn-law at the same time. They sat there daily till three o'clock in the morning, like owls and bats; the House of Commons was like the tower of Babel: it had become a house of confusion, and nothing was done in it for the benefit of the poorer classes. He heartily seconded the amendment.

Mr. *Muntz* agreed with his hon. Friend that this was a measure of the utmost importance. It was of such importance that it had overthrown a strong and popular Government, and most probably would overthrow the present Government The delegation of the power to grant parochial relief was a question of great delicacy. It required the persons intrusted with that power to have an intimate knowledge of the labourers and the working men in the manufacturing districts which the commissioners could know nothing about; it was worse than absurd to expect they should; but it was one of the consequences of an unsound principle of legislation. It went hand in hand with the Factory Bill, and the Emigration Bill, and other similar expedients which had been found necessary to resort to so many years after the conclusion of a disastrous war. He could do little against so powerful a majority, pledged to support a measure so unconstitutional, further than to protest, as he now most solemnly did, against adding this insult to exasperate the poor, already irritated and exasperated by distress and want of food. He would protest against it upon no other ground than this, that it gave to this irresponsible commission a power to overrule and overthrow all local regulations and laws on the subject of the treatment of the poor. Who could possibly be so competent as those elected by the rate-payers in each town to apportion relief and enter into the minute circumstances of each applicant's case? Without this there was no security for its proper distribution. What seemed to him to be the most extraordinary circumstance connected with this Poor-law of the right hon. Baronet's was, that it should, strange to say, have the support of the Liberal part of that House, at least to a great extent. This was a mystery he could never explain or make out. That the Gentlemen opposite should support it was what might be expected. It was in perfect accordance with their professions, with their actions on all occasions; but that those around him, or a great many of them, should support a bill which went to destroy local government in distant towns on a point of so much importance as the appropriation of relief to the poor, astonished him, as being an act totally at variance with their principles and with their professions on other occasions. Local boards of relief were clearly best for the larger towns: to vest the power of granting relief in the commissioners residing at a great distance was a farce. The local authorities spurned that authority, they did not want these worse than useless commissioners. Their power was totally at variance with the principles of representative government to which the people of England were so strongly attached. In conclusion he should remark that he and those guardians with whom he had communicated upon the subject of the poor of this country, and their treatment in their several parishes, had one and all expressed the wish that they might be left to themselves in these matters, and permitted to avail themselves of their local knowledge of the circumstances of those who applied for parochial assistance in the administration and management of their own local funds.

Mr. *Rashleigh* subscribed to the principle of the Poor-law Act, but could not help thinking that the cord had been drawn too tight. The operation of the law pressed extremely heavily, and even cruelly, on able-bodied labourers with large families. He thought the guardians might safely be intrusted with a discretionary power to relieve, and that the able-bodied labourers should not be obliged to give up their little all, and go with their families into the workhouse.

Mr. *B. Escott* said, he had been subject to such very great misrepresentation as to what fell from him in a former debate, there were some points on which he had been so entirely misapprehended, that he wished to say a few words on this occasion. He had been represented to have stated that wages in the county of Somerset were 6*s.* a week: he never said any such thing. What he said was, that he knew parishes in that county in which wages were so low as 6*s*. a-week. He was also represented to have said that the rates throughout the whole of that county had been raised by the operation of the New Poor-law. He never made any such statement; if he had it would have been contrary to the fact. What he said was, that he knew many parishes where, under the unequal operation of the Poor-law, the rates had been raised. And now one word in parting on this bill. He, for one, should offer to the third reading no opposition whatever. He could not help congratulating himself, and he hoped he might congratulate the country, that there had been a great point achieved upon the debate he raised on his motion for out-door relief. The advantage which he felt had been obtained was, in his opinion, almost tantamount to having carried the motion he then offered to the House. The right hon. Baronet the Home Secretary then distinctly stated, and he had no reason to doubt the correctness of his statement, that the explanatory letter of the Poor-law commissioners of the exception which followed the prohibitory order against out-door relief still left a discretionary power in the boards of guardians to grant that relief in cases of urgent necessity. With that statement he for one was satisfied. The prohibitory order stated that out-door relief should not be granted to the able-bodied labourer—the exception stated that it might be granted in cases of urgent necessity. All he contended for was, that the boards of guardians might have the discretionary power to say what were cases of urgent necessity. Then came this explanatory letter which said that, in the opinion of the writer of that letter, cases of urgent necessity were confined to cases of fire or water; but when he was told that that was only a critical or philological explanation of the words of that order, and was not binding on the guardians, he rejoiced that that point had been cleared up, and that the boards of guardians were at liberty to exercise their discretion upon what was or was not a case of urgent necessity. He would offer no further opposition to this measure. He still entertained the opinions which he cordially expressed upon a former stage of it; but he hoped it would work better than he expected, and his desire was, that hon. Members might return home, not to use such language as the hon. Member for Oldham had used that evening, but that those who thought it a bad measure might make the best of it, and that those who thought it a good one might endeavour by their administration of it to prove that it was so: and that, above all, they might instil habits of industry into the people, which would prove to them the greatest blessing, and that by the example of hon. Members themselves throughout the country, and the humblest of them had some influence in that way, the people might be enabled to obtain the fruits of their own industry, and raise the rewards of their labour, which at present were much too low.

Mr. *Aglionby* would vote against the third reading of the bill, but he was desirous of guarding himself against its being supposed that in doing so, he adopted either the arguments or the conclusions of the hon. Member for Rochdale, or of the hon. Member for Oldham. The ground on which he should vote against the bill was this: that having opposed the clause which went to continue the commission for five years, he could not consistently give his support to a bill in which that clause was retained. He would not consent to give to the commission for six years longer, which, in fact, it would be, a power in regard to the Poor-law, and a control over the poor of this country, the extent of which, until the other details of the law, which were postponed for future legislation, were settled, he was necessarily ignorant of.

Captain *Pechell* also expressed his intention of supporting the motion of the hon. Member for Rochdale, in opposition to this bill. He was, however, gratified in so far as he should be enabled to inform his constituents, that the Gilbert unions were safe for a short period, at least until October next, for an hon. Friend of his had a motion to bring forward, which, if carried, would compel the Government to call Parliament together again in that month.

Mr. *R. Yorke* wished to know from the right hon. Baronet, the Secretary of State for the Home Department, whether it was to be understood that he had, in regard to the explanatory letter of the commissioners which had been alluded to, expressed an opinion, that notwithstanding that letter, the guardians had still a discretionary power in granting relief to able-bodied labourers?

Sir *J. Graham:* I am bound to say, that if I had consulted my own personal convenience—if I could have been swayed by any sinister motives, considering the short time the Administration of which I am a Member has been in power, nothing could have been more agreeable or easy to me than to have yielded to the, I will not say menaces, but very forcible appeal made to me by the hon. Member for Oldham, not to proceed with this bill; but, having been no inattentive observer of the laws with regard to the relief of the poor, having taken for many years a part in the local administration of this measure, having been a party to the introduction of it in 1834, having watched and marked its operation with great anxiety, I should be guilty of the most serious dereliction of duty which could disgrace any public men, were I for one moment to be led away by the threats or arguments of hon. Member opposed to it, and not ask the House to agree to the third reading of the bill. I have not the slightest hesitation in declaring that the whole scheme of the Government of unions would be impossible if they were not controlled by some central power. If we put an end to the central authority we must resort to local Government, and then comes the question whether we would have such a system, with local passions and prejudices of that narrow circle without appeal—or if the power of appeal be given, where should it lie—except in the local magistrates? I have heard none advocate a system of local Government without appeal. I am quite satisfied that the cruelty and oppression of such a system would be felt upon the smallest occasion; it would lead to a system of oppression than which nothing more monstrous could be conceived. I therefore dismiss a system of parochial Government without appeal, and if we adopt it with appeal we should have nothing less than the system which existed from 1796 to 1834; and how objectionable that system was, is admitted on all hands. It remains for me shortly to discuss the inconsistencies in the doctrines propounded on the other side, though, certainly, by a comparatively small number of hon. Gentlemen. The hon. Member for Rochdale complains that under the system as now organized, from the board of guardians there is no appeal; he is very much afraid of a system of local Government without appeal, and he taunted me with something of inconsistency when I said there was an appeal in the first instance to the Assistant Poor-law Commissioners, and ultimately to the Poor-law Commissioners themselves; and the hon. Member referred to the clauses at the end of the bill, in which he said there was no power on their part to order an appeal. I admit it; but practically I know that where relief is refused by the boards of guardians the poor man may appeal to the Poor-law Commissioners, and where that refusal has occurred on anything like a general system of the board of guardians, the remonstrances of the commissioners has been made against such refusal; and though no direct power is given to order relief to individuals, both the commissioners and assistant-commissioners have felt bound to redress individual grievances and hardships. The hon. Member for Winchester has most rightly interpreted that which fell from me on a former evening. Reference has been made to the explanatory letter that has been written; and I must say that I thought that from the very commencement of the operation of the law the secretaries have not only written too much, but in many cases too harshly. I should say that at this moment public opinion is against the measure, not so much for what is done as for what has been written—written, however, with the best intention: the system is large; there are variations from time to time under different orders addressed to the boards of guardians, which are hard to be understood, and from a desire to make them plain, words upon words, and precept upon precept, have been issued, and hence a great variety of explanatory letters. But I beg, it may be distinctly understood, that though these explanatory letters are said to be illustrative of the law, they are in no degree mandatory, and are in no case to be considered as general orders which have received the sanction of the Secretary of State. I am very unwilling to refer to the exact state of the country at the time of passing the Poor-law, in 1831; but the hon. Gentleman the Member for Oldham has read a communication from Oxford, describing the present state of distress in that union. I could cite a letter from an authority, who would be considered the very highest by the Opposition benches, in immediate connection with the county of Bedford, giving me a description of the state of that county in 1831, and instituting a comparison with the present condition of the labouring classes. My noble correspondent tells me, that in 1831 a great number of efficient workmen were either in the workhouses or receiving relief; that the worst possible feeling existed between them and the gentry of the country, whom they regarded as oppressors, and that that feeling evinced itself by various outbreaks; and my noble correspondent assures me that now there is a much better feeling between the gentry and the farmers and the workmen they employ; that, speaking generally, there is a full demand for the labour of efficient workmen; that peace, order, and regularity prevail throughout the county; and that the contrast with its former condition is most happy, and he, as a rate-payer of that county, where the working of the old system of poor-law was most disgraceful, attributes the change to the operation of this very law. The hon. Member for Oldham has made strong declarations against this measure. The hon. Member called it the most unfair, unjust, and oppressive measure that could be devised, and exhorted me not to proceed with it; he warned me of its effects, and told me that the day would come when I would repent of having passed it. I have listened in vain to hear what the hon. Member would recommend instead of this law. Would he recommend that the able bodied labourer should be dependent on the poor-rates? [Mr. *Fielden:* No.] The hon. Member objects to this law; but he never said he would revert to what was the law in 1831. After all that has occurred in this debate, it would be most satisfactory if the gentlemen who oppose this law would state, distinctly and explicitly, what law they would desire for the relief of able-bodied labourers in this country. I have never yet heard hon. Gentlemen enter into the explanation. I give the hon. Member for Oldham the utmost credit for the warmth of his feelings towards the working classes, and I should be doing him an injustice if I were not to say that I know that the hon. Member in his own neighbourhood, and with regard to his own immediate dependents, is most kind, and illustrates the warmth of the feelings he expresses in this House, and I listen to him with attention and respect, because I know the sincere attachment of the hon. Member to the working classes. But I should have been extremely glad—the hon. Member having given so much attention to this subject, and acting with such kind feelings towards the working classes—if he had proceeded to state what course, if this law were repealed, after the results of his long experience and attention to this subject in his magisterial capacity, he would recommend. I have bestowed the most anxious consideration upon the question, I have listened to many debates upon it, I have taken part in various inquiries, I have read the reports of the commission, and have devoted much attention to the subject, but the result of my experience and attention does not enable me to offer to the Legislature anything, upon the whole, preferable to this measure. Able-bodied paupers are not, under all circumstances, denied relief out of the workhouse. The test of the workhouse is universally applicable as the surest mode of ascertaining real destitution. But it would be cruel in the extreme, it would be unjust, it would be oppressive. if the test were made the universal rule. It is not so—it is not intended to be so; practically, I repeat, it is not so. There is an enormous amount of population relieved out of doors, bearing an immense proportion to those relieved within the walls of the workhouse. In round numbers where there are 200,000 relieved in-doors, there are about 1,000,000 relieved out of doors. Out of 165,000 widows and deserted females who obtain relief, only 13,000 obtain it in the workhouses, the remainder in their own homes. As to the proportion of able-bodied men, the question is of course very important, and I will give the best accounts I can, including (as I must do) the vagrants. [In answer to Captain Pechell, the right hon. Baronet here parenthetically stated that the returns included, not the local act parishes, nor those of course under the Gilbert unions.] In 1840 there were 297,695 able-bodied adults relieved. Now, out of that number, how many were relieved in the workhouse? The House will, perhaps, suppose, from what has been so often said, that nearly all were so relieved. Not so. Perhaps, then, one half? Not so. Or a quarter? Not even so. But the fact actually is, that out of (in round numbers) 300,000 able-bodied adults, 245,000 were relieved out of doors, and under 50,000 were relieved in the workhouse. Had the stringency of the measure increased in the following year? In 1841, out of 345,656 able-bodied adults relieved, 280,189 were relieved out-of-doors. Now. the success of the measure, as far as my judgment goes, depends upon the judicious application of the workhouse test, but it is not binding as a positive rule upon the discretion of the guardians. I go further, and say that, in my opinion, the main value of the commission, in constant communication with the Government, is this, that instead of being, as it is called, an unbending cast-iron system, it is a plastic system, readily adapting itself to all the various circumstances of each community. I can conceive one state of circumstances in which it would be right, and prudent, and politic, that the workhouse test should be strictly applied; and I can conceive another state of circumstances taking the case properly out of the prohibitory order, and rendering the out-door labour test expedient. Again, I can conceive—nay, I know of extensive districts under great and general distress in which it would be harsh, cruel, and unjust to apply the workhouse test, or out-door test, to able-bodied poor unable to obtain the least employment. And it is the confidence that I am acting with a commission of wise and humane men, who know that, after all, human affairs must be conducted with reference to times and circumstances—it is this which makes me feel, that as it is not only politic but necessary that amidst the difficulties which at this period surround us, large discretionary powers should be vested somewhere, they can be vested nowhere with such advantage as in a commission so composed, acting in constant communication with the Executive, and for all its acts responsible to the Legislature. Nor is there any subject on which the conduct of the commission has been exposed to closer examination, and on which the result has been more satisfactory, than with reference to the large powers intrusted to it on this painful and delicate point for the government of the entire community. Could I believe that the extension or continuance of the measure was inconsistent with the safety, the order, or the peace of society, and the distribution of property in the country, I, of course, should confess that no more awful considerations could ever induce a Government to pause in their course; but I am satisfied, on the whole, that it is a measure insuring a just and safe administration of relief to the poor; and I feel that under any system of poor relief not checked and guarded, so as to prevent the growth of the most monstrous abuses, there must arise consequences awfully dangerous to the order, the peace, and the property of this country. Therefore, I shrink from throwing the vast subject utterly loose at this period, and thus incurring the very danger which some professed to anticipate from an enforcement of the law. Deterred, then, by no improper fear—disregarding all personal obloquy that may attach to me on account of my enforcing what may be thought severe, but which, I believe firmly, will, in the long run, prove humane and salutary,—I cannot hesitate as to the course which I ought to adopt; and I earnestly entreat the House to pass the bill with such a majority as will mark how united we are (without reference to party distinctions) on the propriety of continuing a measure so important to the interests of the poor and of the community at large.

Mr. *O'Connell*: The right hon. Baronet had said it would be extremely unjust, extremely cruel, extremely oppressive, if no relief were, under any circumstances, to be given out of the workhouse to able-bodied paupers, and those superlatives were assented to by the majority of the House. Yet there was no such out-door relief in Ireland. It was not, however, on that ground that he was about to oppose the bill. The objection to the bill had been stated by the hon. Member for Cockermouth—it was the continuance of the commission for six years. He thought the commissioners did not deserve the eulogium that had been pronounced upon them. He believed they had enhanced their unpopularity by the manner in which they had treated boards of guardians, and by the flippancy and impertinence of their expressions; and the determination too, that they would not yield to local feelings and circumstances but maintain their own "cast iron" system had also added to that unpopularity. There was an impression in Ireland that these commissioners were actuated by some of those motives, that ought least to influence them, for that they had political partialities and religious prejudices. That impression might be unjust, but it was an unhappy circumstance that their conduct should have created it at all. The noble Lord opposite had certainly pronounced his official eulogium upon them; for it seemed to be the practice of the House, whenever any functionary was attacked, that some Gentlemen on the Treasury bench should get up and prove him to be every thing that was most extraordinary in talent, and wisdom, and virtue. His objection to the bill was, that it continued the commission. He rejoiced to see the liberality with which the measure had been worked in this country, and hoped that the system would be ameliorated in Ireland. He pledged himself not to allow a week to elapse in the next Session, without moving for a committee to inquire into the working of the Poor-law in Ireland.

Captain *Berkeley* rose to take his share of the odium which must attach itself to the supporters of this bill. He had paid much attention to the operation of the New Poor-law as compared with the old one, applied to the county in which he resided, and he could bear witness to its beneficial effects, not only in reducing rates, which he regarded as the least important consideration, but in arresting the progress of demoralisation, and in exalting the character of the poor.

General *Johnson* objected, and had always objected, to invest three men with such great unconstitutional powers. He rejoiced to hear that some relaxation had taken place in the system, although he believed nothing short of dire necessity could ever have induced the commissioners to give out-door relief. Nobody had ever found fault with the statute of Elizabeth. The complaints were aga nst the abuses of that law, with the acts passed in the reigns of George the 3rd and George the 4th, with all their complicated machinery. He protested against this motion, calling on hon. Members to decide on the third reading of a bill with the details of which hon. Members were wholly unacquainted, for not having had the bill delivered into their hands they could not know what clauses had been struck out and what clauses had been retained, and therefore must legislate in the dark. All they knew was that the principle of centralisation was to be retained, and that was sufficient to secure his opposition. He did not feel at all sure that this measure would be brought forward next Session now that they had gained their main point, especially as they must anticipate serious opposition to many parts of their measure.

The House divided on the question that the word " now" stand part of the question:—Ayes 103; Noes 30: Majority 73.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Capt.
Allix, J. P.
Antrobus, E.
Baillie, Col.
Baird, W.
Baring, hon. W. B.
Barnard, E. G.
Barrington, Visct.
Bentinck, Lord G.
Berkeley, hon. Capt.
Boldero, H. G.
Broadley, H.
Browne, hon. W.
Bruce, Lord E.
Buller, Sir J. Y.
Chetwode, Sir J.
Chute, W. L. W.
Clayton, R. R.
Clerk, Sir G.
Clive, E. B.
Clive, hon. R. H.
Cockburn, rt.hn. SirG.
Corry, rt. hon. H.
Courtenay, Lord
Cripps, W.
Damer, hon. Col.
Darby, G.
Duncan, G.
Duncombe, hon. A.
Ebrington, Visct.
Eliot, Lord
Escott, B.
Estcourt, T. G. B.
Ferguson, Col.
Flower, Sir J.
Follett, Sir W. W.
Forbes, W.
Fuller, A. E.
Gaskell, J. Milnes
Gibson, T. M.
Gill, T.
Gladstone, rt.hn.W.E.
Gordon, hon. Capt.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greene, T.
Grimston, Visct.
Grogan, E.
Hale, R. B.
Hamilton, W. J.
Harcourt, G. G.
Hardinge, rt.hn. Sir H.
Hatton, Capt. V.
Herbert, hon. S.
Hervey, Lord A.
Hope, hon. C.
Howard, P. H.
Hughes, W. B.
Hume, J.
Jermyn, Earl
Jones, Capt.
Knatchbull, rt.hn.SirE.
Knight, H. G.
Langston, J. H.
Lascelles, hon. W. S.
Lincoln, Earl of
Litton, E.
Lockhart, W.
Lyall, G.
Mackenzie, W. F.
M'Geachy, F. A.
Morgan, O.
Morison, Gen.
Nicholl, rt. hon. J.
Norreys, Lord
Northland, Visct.
Packe, C. W.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Philips, M.
Pollock, Sir F.
Pringle, A.
Rashleigh, W.
Rice, E. R.
Rose, rt. hon. Sir G.
Rushbrooke, Col.
Sheppard, T.
Somerset, Lord G.
Stanley, Lord
Sutton, hon. H. M.
Tancred, H. W.
Taylor, T. E.
Thornely, T.
Thornhill, G.
Tollemache, J.
Trench, Sir F. W.
Walsh, Sir J. B.
Ward, H. G.
Wood, Col. T.
Young, J.

TELLERS.
Fremantle, Sir T.
Baring, H.

List of the NOES.

Aglionby, H. A.
Baskerville, T. B. M.
Blackstone, W. S.
Bowring, Dr.
Broadwood, H.
Brotherton, J.
Bryan, G.
Cobden, R.
Colvile, C. R.
Duncombe, T.
Ferguson, Sir R. A.
Fitzroy, hon. H.
Grant, Sir A. C.
Halford, H.
Hall, Sir B.
Hardy, J.
Henley, J. W.
Hodgson, R.
Johnson, Gen.
Muntz, G. F.
Napier, Sir C.
O'Connell, D.
Pechell, Capt.
Polhill, F.
Pollington, Visct.
Richards, R.
Scholefield, J.
Sibthorp, Col.
Williams, W.
Yorke, H. R.

TELLERS.
Crawford, W. S.
Fielden, J.

Bill read a third time.

Sir *T. D. Acland* rose, pursuant to notice, for the purpose of moving a clause to enable guardians to appoint local committees for receiving applications of poor persons in parishes situated at a certain distance from the place of meeting of the board of guardians. This clause he begged to propose by way of rider, and in submitting it to the consideration of the House he wished it to be understood that he did not desire to excite any discussion upon the general merits of the measure. There were only to be passed a certain number of the clauses of which the bill was originally made up. Amongst the provisions which ought to be contained in the measure, and which were not included in it as it now stood, was this one; it was a mild and beneficent provision, and one which he trusted the House would not exclude from the bill. Circumstances had rendered it impracticable to secure this clause in committee, and after the arrangement entered into by his right hon. Friend he could not propose such a clause, but it was to be hoped that his right hon. Friend would stand neuter between him and the rest of the House—that he would not oppose the clause,—to ask him to support it was out of the question. In some instances paupers were resident as many as fifteen or twenty miles from the central place of meeting of the guardians, and that fact alone, he thought, should determine the House in favour of the proposition which he had made. He remembered in the union in which he was a guardian he witnessed instances of poor women coming fourteen, fifteen, and sixteen miles, and being obliged to go home again in the heat of summer without receiving relief. Then it was to be recollected that guardians from the more distant parishes of a union were not very regular in their attendance; upon that ground also, he was sure that hon. Members would agree with him as to the necessity of there being local committees. He had some difficulty in fixing the precise distance, but he thought he should be safe in proposing four miles from the central place of meeting.

Sir *C. Napier* seconded the motion. He did think that, after passing the obnoxious clauses of the bill, they ought not to reject one so mild as this. With respect to the assistant-commissioners, in how few places was it possible for them to know the feelings and wants of the people! The parties concerned could not even know when an assistant-commissioner would visit the place. [Sir *J. Graham*: There are post-offices.] But poor people could not get paper to enter into a correspondence of inquiry even if they were able to write. In the union with which he was connected, they had not seen an assistant-commissioner for twelve months together, and they were not anxious to see one any more. It was rather an extraordinary fact that those unions which were visited oftenest were the worst conducted, whilst those which were unvisited were well managed. Considering the vast sums of public money that were pocketted by these assistant-commissioners, he must say that this was a matter which ought to receive some attention. He could not help expressing his surprise at the statements made the other night by the right hon. Gentleman with respect to the numbers of able-bodied labourers receiving out-door relief. In the union to which he belonged they knew nothing about out-door relief to able-bodied persons; they had always understood that they must not give it. Where did the right hon. Gentleman get his extraordinary numbers from? Did he mean vagrants? Or did he mean the able-bodied who happened to be sick, and got medical or other relief out of the house? If the right hon. Gentleman made up his figures that way, he could understand them; but he really could not understand where it was, or how it wa that such an immense number of able-bodied paupers had received out-door relief. He must say of the commissioners, that he thought they had positively prevented the guardians from making the Poor-law a great deal better than it otherwise would have been. Had it not been for them the guardians would have made the law more satisfactory to the poor without at all increasing the expense to the rate-payers. There were many cases of old and worn-out persons receiving 3*s.* a week out-door relief, when they were no longer able to do any work, those persons having paid rates when in better circumstances. Now he held, that if encouragement were given to those poor persons who paid rates for five or six years, or for a longer period, that they would, in the event of their receiving it, receive a greater amount of relief than those who paid no rates; it would reduce the disinclination to pay poor-rates, and go to foster habits of frugality. The labouring people would pay the rates with the same readiness that they subscribed to their clubs, with the view of deriving assistance from their clubs when they might require it. He had conversed much with guardians of the poor, and recommended that the relief they gave should be regulated by that principle; they expressed their readiness to act upon it, but said that the commissioners would not permit them, and the auditor would strike out any allowance of the kind from their accounts.

Clause brought up and read a first and second time.

On the question that it be read a third time,

Captain *Pechell* said, he did not know what the intentions of the right hon. Gentleman were, or in what manner the House would proceed upon this occasion, but there were other clauses of equal importance—for instance, one relating to voting by proxy, which, if opportunity offered, should also be taken into consideration. Did any other hon. Member mean to take advantage of the quiescence of the Government to propose other clauses, which, by common consent, might be adopted? With regard to the Poor-law commission, he had always said that the principle of the act of the 22nd of George 3rd, cap. 23, was the best principle which the poor could be governed by; and if that act had been made compulsory instead of voluntary, the condition of the poor would have been greatly improved. He was aware that some complaints had been made of the state of certain parts of Sussex as requiring the application of a more stringent law. But, as he had always said, the dose was too strong for the disease; as to the statements of the right hon. Gentleman of the large number of persons receiving out-door relief, he believed the number to be greatly augmented by the excellent system in those towns which were under local acts, having a population exceeding 1,500,000*l*. The clause of the hon. Baronet showed the necessity of diminishing the size of the unions, or of having district committees. It had been stated in a petition presented to the House from the Kensington Union, that the magnitude of Poor-law unions was a serious evil. He hoped the hon. Baronet would succeed in carrying his clause.

Mr. *P. Howard* thought the clause of the hon. Baronet might be acceded to without any infraction of the bill as it stood, and that if it were a compulsory clause it would be a great boon to the infirm and aged poor. When the unions were large, and the number of poor great, there were good and sufficient reasons for the guardians to delegate their powers to sub-committees. No doubt these sub-committees must be the objects of very vigilant attention; and he trusted that with the controlling powers of the sub-commissioners, the plan would lead to no abuse. He hoped the clause would be adopted by the unanimous vote of the House.

Mr. *Borthwick* was glad that there was a disposition to agree to the clause of the hon. Baronet; it would relieve other hon. Members as well as himself from a difficulty. There was nothing to which he would more readily lend his assistance than to the modification of this law; but it would be dangerous after the Government had pledged itself not to re-open the question during the present Session, to attempt it. This was a clause, however, which the House felt no difficulty in acceding to. It would undoubtedly be a great improvement of the law, and much as he could have wished to bring up some other amendment, he would not presume to disturb the arrangement to which the House had come. He hoped her Majesty's Government would, in consequence of hon. Members refraining from impeding the public business, take this bill into their serious consideration during the recess, and so improve it as to relieve hon. Members from the trouble of proposing amendments in another Session.

Sir *J. Graham* felt that it would be a breach of faith to consent to the introduction of new clauses into this bill, after the declaration he had made that he would take none but the first four or five—but those that were unopposed or were brought forward with general approbation. This clause appeared to be one coming within the latter description, and one which he felt would lead to real practical benefit. He was anxious for its introduction, because his own experience corresponded with that of the hon. Member for North Devonshire, as to the distance of boards of guardians from some parishes causing those who required relief to walk eleven, twelve, or thirteen miles, and the rule, which he thought an excellent one, requiring that the head of a family should make the application on behalf of his family, in such cases often caused the loss of a day's work, a matter of great consequence as well as great fatigue and some expense. Though he was not prepared to delegate to a committee the power of ordering relief, upon reflection he should not object to the clause as proposed by the hon. Baronet; and if after the consent of the House by a large and decisive majority to a regulation which by some hon. Members was considered severe and cruel, that of a central commission having power over the local administration of the Poor-law, this clause was regarded as a mitigation of the severity of that regulation, he should rejoice that almost their last act at the close of the Session should, notwithstanding this much disputed point, be deemed not only to have the appearance of an act of kindness, but to be one in reality.

The clause read a third time and added to the bill.

On the question that the bill do pass,

Mr. *Fielden* moved as an amendment that the bill be printed.

The House divided on the question that the words proposed to be left out stand part of the question—Ayes 83; Noes 5: Majority 78.

List of the Noes.

Collins, W.
Johnson, Gen.
Pechell, Capt.
Scholefield, J.
Williams, W.

TELLERS.
Fielden, J.
Crawford, S.

Bill passed.

Public Distress.] Sir *R. Peel* moved the Order of the Day for a Committee of Supply.

On the question that the Speaker do now leave the Chair,

Mr. *Gibson* rose to move the amendment of which he had given notice, namely,

"That this House will immediately resolve itself into a committee, to take into consideration the distressed state of the country."

He said that he should not offer any apology to the House for bringing on this amendment on the motion for going into a committee of supply, because he believed that the proper time for calling the attention of the Government to the grievances of the country was when they were about to vote the supplies for the support of the Government. It was strictly constitutional to call the attention of the Government, on the proposal to go into supply, to any great distress or suffering prevailing in the country, and not only was this the practice of the House, but he would ask what fitter time could be found for investigating the distress than the period when that distress existed? He did not call on them for any pledge as to their future conduct; all he asked them to do was, while they were there assembled as the grand inquest of the nation, to take into consideration the distressed state of the country. He did not call upon them to interfere with any of the prerogatives of the Crown, but to execute their functions as representatives of the people, and to institute an inquiry into the distress, in order that a remedy might be provided for it. He knew he might be charged with bringing forward this motion without having any chance of success; and he might be told that it would have been better if he had allowed Parliament to separate, and if he had waited to see what the intentions of the Government were next Session, before he had brought forward a motion like the present. If no debate had arisen on this subject, if no statements had been made with respect to it, he might have been justified in taking such a course; for then he should have thought that hon. Members were conscious of the extent of the distress; but speeches had been made by the Members of the Government which clearly showed that they did not at the present moment believe in the extent of the distress; and as arguments had been used to show why they should not go into a consideration of that distress, he thought it followed that it was incumbent on those who knew the extent of the distress, to show that those arguments were fallacious, and that they were bound to go into a committee of inquiry on the subject. He was perfectly prepared to meet the arguments and statements that had been made. The right hon. Baronet at the head of the Government alluded on a late occasion to the number of inhabited houses in 1841 as being greater, in proportion to the population, than the number of inhabited houses in 1831. But were the present inhabitants able to pay their rents? Had they within their houses the means of existence?—had they furniture?—had they bread? With regard to the statement made about sugar, he begged the House to recollect that the supply of sugar from our own possessions was insufficient for the wants of this country; and the consumption of sugar had increased but very little, and no argument could be founded upon it. The statement of the right hon. Baronet on this point, if it proved anything, proved that the attempt of the late Government to admit a larger quantity of sugar was founded on sound principles. He had undertaken to bring forward the present motion, not for his own satisfaction, but because he felt that he should not be doing his duty to his constituents, if he disregarded the overwhelming entreaties which he continually received, urging him to bring the distress again and again under the consideration of the Government and Parliament. He felt, therefore, that he should not be improperly taking up the time of the House in reading to them a few cases of individual suffering among particular classes in the town of Manchester, as samples of a considerable number of cases of the same kind. The cases which he should read had not been picked out for the occasion; they had been taken at random in order to show the nature of the distress that at present existed. When he mentioned the town of Manchester, he was telling the story of all the great seats of manufacturing industry. He was not mentioning Manchester as the place where the pressure was of the greatest intensity. Leeds, Sheffield, and other towns, were experiencing sufferings perhaps of greater magnitude. Indeed, he believed that Manchester was better able to bear up against the pressure than many other places; that it could endure the pressure for a longer period; that it had greater stability than many of the smaller towns. If they were to look among the retail dealers, the shopkeepers, and the provision merchants, it would be found that a very considerable falling off had taken place in their returns and profits, and that their trade had been materially restricted. In many cases men of good character and of long-established connection were perfectly unable to gain by their industrious proceedings enough to pay their rent, their poor-rates, and their other necessary expenses. From this the House might well presume that there must be something seriously affecting those classes on whose custom they depended. The state of the shopkeepers in a manufacturing district was the best criterion of what was the condition of the working classes in the neighbourhood in which they resided. He would call the attention of the House to some of the cases with which he had been furnished, the particulars of which had been collected by persons of all political creeds with perfect impartiality. Out of nearly 150 cases he would only read a few:—

"Grocer and provision-dealer:—Thirteen years in business. His returns in 1839 and 1840 averaged 15 per cent. less than the previous years, and last year and this they will average 40 per cent. less. The falling off has been in flour, cheese, butter, coffee, and groceries in general. The rate of profit on the diminished returns is much less now than in former years on the larger return. He disposes of six times as much oatmeal now as he did in 1835 and 1836. In articles of provisions, a great part of the business is not worth attending to—the quantities are so small. Many persons who used to be respectable ready-money customers are now coming a begging. Could name a score of these. His customers are principally mechanics, joiners, &c. Formerly this class used to buy their flour in the beginning of the week to bake their own bread; but now they have generally discontinued doing so, and buy single pound's weight of bread or oatmeal. Has not made more bad debts this year than last, having closed most of these credit accounts."

"Vegetable-dealer:—Sixteen years in business. Since 1835 or 1836 his returns have fallen off 80 per cent. The decrease is in all articles. Does not get as much profit on his returns now as in former years. Had saved 50*l.* when he came to this shop. Has lost it all, and the labour besides. Can't make as much as will maintain himself and wife. Losing money every day."

"Fish and poultry-dealer:—Twelve years in business. His business has been gradually falling off since 1836, and it is now not more than one-tenth what it was then. The falling off is in every article. Profits much reduced. Trade has been getting worse and worse for four or five years. Never knew it so bad as now. Not making what will pay rent; nothing like it."

"Butcher:—Nine years in business. His returns have fallen off 40 per cent. since last year. The falling off is in inferior pieces. 'Can't sell them.' Has to buy choice pieces to save the loss on the rough pieces, if he were to kill all his own meat. Profits less than in former years; 'beasts are so dear.' In 1836, 1837, and 1838, used to buy beasts 5*l.* a-head cheaper, and sell the meat for as much money as now At that time got a profit on the rough pieces, but not so much on the choice pieces. At present gets no profit on the rough pieces, but a great loss. Lost nearly 300*l.* in bad debts within these three years."

"Butcher:—Eight years in business. States his returns to have fallen off since 1836 80 per cent. Gets no profit on what he sells. People who used to buy 10 lb. of meat on a

Saturday, now buy about 3 lb. Many persons who, a few years ago, used to lay out 3*s.* to 4*s.* a-week, now comes with twopence or fourpence for two or 'four pen'orth of bits,' that is, scraps."

"Draper:—Four years in business. In 1840 his returns were 25 per cent. less than in the preceding year. In 1841, 35 per cent. less; and this year they are 50 per cent. less. The falling off has been in the best description of goods. His profits are diminished 30 per cent. Bad debts fearfully increased."

"Baker:—Sixteen years in business. Returns fallen off 95 per cent. The decrease has been principally in small bread. Rate of profit reduced 50 per cent. Gives little credit now. People nearly naked visit his shop to buy, beg, or steal. Has to watch them closely, although he knows many of them are industrious, and would work if they could get employ."

"Grocer:—Three years in business. His returns have fallen off 50 per cent. since 1840. The decrease is in every article. Rate of profit reduced one-half. Does not trust retail customers now. Persons buy halfpenny-worths of tea, sugar, &c."

"Grocer:—Fifteen years in business. Sells in smaller quantities, and of inferior quality. Profits much reduced. Says that the provision dealers whom he supplies are getting very poor, and he has large balances owing him from persons of this class, who would pay if they could, but are quite unable, having credited the labouring people who can't pay them, and are daily getting poorer."

"Corn and flour dealer:—Six years in business. Returns gradually declining since 1837. Now 60 per cent. reduced. The falling-off is in corn and flour. Less profit now than formerly by about 7-12ths. Instead of coming for quantities, it is nearly all in small matters not less than 200 to 300 halfpenny-worths of bread weekly."

This was a very remarkable statement. He could furnish the House with a great number of instances of a similar character. He thought the right hon. Baronet would agree with him, that the condition of the retail shopkeepers in manufacturing towns furnished the very best criterion of what was the condition of the working classes in the neighbourhood in which they resided. He believed that within the last fortnight there had been many hundreds of the working classes thrown out of employment, and that some mills had been stopped. Notwithstanding the reports that had prevailed, {he understood from authority on which he placed the most implicit reliance, that there was not, in the opinion of those who had the greatest credit for judgment, prudence, sagacity, and experience in these matters, any prospect of relief. There were always men sanguine in their anticipations, and who, whatever might be the adversity of the situation in which they were placed, would persevere in taking a favourable view of the prospects before them; such men could not join in the apprehensions thus entertained; but it was his impression that the most sanguine persons could not deny that there was, in the present position of tbe country, symptoms of the most serious nature, and such as might well give rise to the greatest alarm. Unhappily, the present features of distress were not of a temporary character. What was now gradually coming upon the country had long been predicted. If trade revived for a little while, it was merely the resemblance of that condition in which a man was placed who was labouring under an intermittent fever. That which afflicted the country was a permanent disease, although it showed itself only by fits. The present depression was one of the longest and most severe that the manufacturing classes had ever experienced; and although at no precise moment it might have been so intense as at former periods, yet there were symptoms about it, and there was something in the character of its gradual progression, which made every man who felt the vast importance of maintaining our manufacturing and commercial greatness, reflect seriously upon the future prospects of this country. The position in which they now found their manufacturing population had been predicted by persons whom they, in former times, were accustomed to deride as prophets not to be believed. Their words had, however, become true. In corroboration of what he was now stating, he would read some passages from a petition which was presented to the House, by the Manchester Chamber of Commerce, on the 20th of December, 1838. After describing the depressed state of the cotton trade, the petitioners went on to say:

"And your petitioners declare it to be their solemn conviction that this is the commencement only of a state of things, which unless arrested by a timely repeal of all duties upon foreign articles of subsistence, must eventually transfer our manufacturing industry into other and rival countries. That deeply impressed with such apprehensions, your petitioners cannot look with indifference upon, nor conceal from your honourable House the perilous condition of those surrounding multitudes, whose subsistence from day to day depends upon the prosperity of the cotton trade."

This prediction, made in 1838, had been repeated at every meeting of the Manchestet Chamber of Commerce since that time. But it might be said that the Manchester Chamber of Commerce was a party society—that they were ia the habit of taking a one-sided view of this question, and that they would be determined, whatever consequences might result to the country, to be guided rather by party feeling and under political influences, than by a sincere conviction of what they conceived to be the true state of things. In answer to this, he would refer to what was said by the Associated Cotton Brokers of Liverpool. In the Annual Report, dated 31st December, 1841, signed by men of all parties (amongst the names were those of Ewart, Gladstone, and Brancker), they stated that—

> "Although the past year had been chiefly remarkable for its dullness and monotony, it had, notwithstanding, furnished matter for serious reflection to all who were interested in the cotton trade. There had been former years when the fluctuations had been more marked and sudden, when commercial credit had been more severely shaken, and when the pressure upon classes and upon individuals had been equally, and perhaps, more intense; but for magnitude of losses, not in one, but in all branches; for depreciation of fixed capital, and for extent and duration of suffering, there was no parallel to be found."

This was no party document. It did not come from any society composed of any one political section. It was the Annual Report of the Associated Cotton Brokers of Liverpool; and deserved to be received with the greatest respect and attention. It appeared to him that it would not require any great sagacity, that men need not be philosophers to predict that, if in an island like England, with a large and growing population, and with a territory unable to supply that population with food, the Legislature would persist in preventing the supply of food from abroad; that in such a position they must expect—it was in the nature of things that there should be—periods of stagnation of trade, periods of distress among the working classes, and periods of scarcity. If they threw impediments in the way of food being supplied to the population of the country, the pressure of distress must come. He could not conceive it possible, if they restricted the necessary supply of food which the manufacturers of the country required, to avoid being exposed to those fits of distress that might ultimately drive the manufacturing population to the verge of despair. If, then, they persisted in their present course, they must make up their minds to submit to the disasters they were now experiencing, and to the consequences which the sufferings of the people might bring upon the country. The hon. Member for Winchester, who was a sort of fatalist, said, if they removed all impediments to manufacturing prosperity and trade, there would still rise up a natural barrier against the realization of the people's prosperity, and that new circumstances would from time to time cause precisely the same condition among the people as that which they now experienced. Nay, that hon. Member went so far as to say, that it was beyond the sphere of legislation to ameliorate the present condition of the working classes. Now, what he wished was, that they would try to effect the removal of these artificial impediments to trade. It might be, or it might not be, as the hon. Member for Winchester had predicted. But if it was felt that the population of this country could not subsist upon the produce of their own soil, and that the people could not be employed unless there existed the power of exporting the manufacturing products of their labour for the agricultural products of foreign countries, he would gladly take the chance of the consequences of removing the restrictions. They could not be in a worse condition than they were in now; and he did not believe that even the hon. Member for Winchester doubted that nature had provided some compensation for the evils which at present rested upon the people of this land. The right hon. Baronet had told the House that the distress of the country might be attributed to machinery, and that improvements in machinery did, at particular periods, throw men out of employment. But he would ask what was the remedy which nature seemed to have provided for such a state of things as this? Why, it was the increased demand for those productions which the improved machinery created. The inersased facility of producing articles cheapened their price; this gave an increased demand for production, greater employment was thus afforded, and by these means the immediate evil of improved machinery was rectified, and society was benefitted without any class ultimately suffering. He would appeal to the right hon. Baronet, whether the case was not so? If, in reality, the result was not as he had stated, then the only cause to which he could trace it was the impediment which the Corn-laws occasioned. From that law more intense distress arose than from improved machinery. He, however, was arguing upon presumption, for he did not, in fact, admit that under any circumstances improvement in machinery could produce evil. What he contended was, that if those changes had any injurious effect, they were the result of the Corn-law. The right hon. Baronet had spoken of the increased consumption of cotton as an argument that manufactures were not in that state of decadence which they had been represented to be It was said, "the cotton manufactures are complaining of decreased employment, and yet more cotton is brought into consumption than before." This was a specious argument, which was calculated to have effect with any person unacquainted with the subject. He regretted that the right hon. Baronet should allow himself to make a statement which gave an improper colour to the real state of things. The increased consumption of cotton was no test whatever of the quantity of labour employed in cotton manufactures. Yet it was intended that it should be inferred that the labourers employed in cotton manufactures were receiving more wages, because there was a larger quantity of cotton brought into home consumption. What was the argument worth if not for that? It was brought forward to show that the labouring classes were not wanting employment, and that their wages were good. He would ask the right hon. Baronet whether he could maintain such an assumption; and if he could not, whether the argument he had advanced about the increased quantity of cotton consumed was not calculated to mislead? He had received a letter upon this subject from a gentleman whose name would command great respect by those who heard it. It was that of Mr. Ashton, and the letter was dated Hyde, July 3, 1842. That gentleman said—

> "The reason why so much cotton has been used is, that very low numbers of yarn have been in demand, say No. 20 and under, and the spinners of this sort having been able to make both ends nearly meet, have pushed the trade, though it leaves no money in the country for wages; for instance, one mill worked by a friend of mine uses 130 bales of cotton per week, and only pays 200*l*. per week wages, which is about 1*d*. per pound; if the same were made into cloth, it would leave 500*l*. for the workmen. I do not know one firm in this district who have all their looms at work, and still all are using more cotton; and some have stopped every loom, and therefore pay very little for wages. I believe there is no printing cloth making in Stockport, they are all gone to low cloth, and of course using more cotton. The falling off in my wages is about 10,000*l*. per annum, and still I have used more cotton this year."

That was a very strong statement. Supposing the raw cotton were brought into this country merely to be cleaned, and then sent out again, would the amount of labour be so great as if it were manufactured here? A pound of raw cotton, if manufactured, would pay 20*s*. in wages; but 10 lbs. of raw cotton, merely cleaned, would pay only 20*s*., and yet, in estimating the quantity of cotton consumed, there would necessarily be 1 lb. in one case, and 10 lb. in the other, while the quantity of labour employed might be exactly the same. Then with regard to more mills being erected. The right. hon. Baronet had talked about more mills, and this he used as an argument, that the prosperity of the country was progressive. He should be sorry to state that there were no new mills, but he confessed that he had only heard of one, and that one had been quoted by other persons as a proof of the depressed state of trade. Did it follow because a man improved his mill or his machinery, which he might be induced to do by the pressure of circumstances, that therefore a greater number of artisans and labourers was employed and their wages increased? The main point for consideration was the amount of money which was distributed among the labouring classes in wages, and the quantity of comforts and necessaries of life which they were enabled to command. A man taking a sanguine view of things might be induced to improve his mill, but in a country like this—a country full of wealth, enterprise, and skill—to make it a matter of wonder that there was one new mill building in a manufacturing district was really not a fair way of putting the question. He thought it would have been much better for the right hon. Baronet to have said, "I admit your distress, but I will do nothing—I will wait and pause." To have said this would have been candid and open; but to attempt to put a colour upon the state of things, and to exaggerate the erection of a mere cotton mill and the improvement of machinery into importance, for the sake of bolstering up a case in answer to the allegations of distress, was a course which he did not think worthy of her Majesty's Government, or at all calculated to promote the permanent interests of this great country. It was, however, ignorance of the truth which he believed caused them mainly to differ. He did not think that all public men were dishonest. There was a notion prevailing among the agricultural class, that a high price of corn, somehow or the other, brought about prosperity; and that if the landed interest could but enjoy high rents wages would be high, and therefore that, by the high price of bread, the people would be able to obtain a comfortable subsistence. The landed aristocracy seemed to connect high prices and high wages and prosperity, somehow or other, together. This was a fallacy which must be overthrown. He had observed, with great regret, a disposition on the part of certain parties (far was it from him to impute it to the right hon. Baronet) to exclaim that it was right that manufactures should be checked—that large bodies of people in towns gave rise to changes in the constitution, till the people became a body which the institutions of the country were unable to govern. He had heard it said, that they should uphold the Corn-laws to prevent the manufacturers of the country from going beyond a certain point. There were missionaries at work, taken from ranks from which they were hardly to be expected, endeavouring to impress upon the people the necessity of checking the tendency of the British nation becoming the workshop of the world. Clergymen were to be found exerting themselves to infuse this feeling into the minds of the people. A distinguished and talented clergyman in this metropolis, when he preached in accordance with the Queen's command to collect charity to relieve the distress existing in the manufacturing districts, took occasion to tell his congregation that it was right to keep in check the large manufacturing population and to prevent them passing certain bounds, which he was prepared, he supposed, to assign. He would read a little of that rev. gentleman's sermon, which he had no doubt would be very acceptable to many hon. Gentlemen opposite. He was speaking of the rev. Henry Melville, a man in the closest connection with her Majesty's Government. He supposed there was no man enjoyed the confidence of certain Members of the Government more than that rev. gentleman did. He did not mean to say that they gave their sanction to his doctrines; but this he would say, that he stood forth as a great authority, as a great and talented preacher, and one whose opinions had great weight with those whom he addressed. He would ask the House whether they were prepared to sanction such doctrine as this?—

"It may be allowed, even to the preacher, to express a deep and painful conviction, that the tendency which of late years has been so largely exhibited in this country—the tendency to the exchanging an agricultural for a manufacturing population—to the gathering the people into dense masses, for which it were almost hopeless to attempt providing means of Christian instruction (even if the frightful demands upon strength and upon time allowed of their being used, supposing them provided)—that this tendency is amongst the most fatal that was ever encouraged, and is but likely to continue working out increased and even irremediable disaster. The cry has been, that England ought to be the workshop of the world; and in the dream of avarice, which for once borrowed something of the imagery of the poet, all nations have been represented as crowding to our shores, entreating that we would clothe them, and eagerly proffering the rich produce of their fields in exchange for what we could dig from our mines and throw off from our looms. We left out from our showy calculation that bone and muscle belong to other people as well as to us; that industry and ingenuity, however they may distinguish the English, are not monopolised by them; that, in manufacturing for the world, we might perhaps teach the world to manufacture for itself; and that it was at least possible, that if other countries saw us driving so advantageous a trade, they might think of their own resources, and attempt competition. And the fearful evil of being thus once engaged in a struggle with the world (and a struggle there now is; if not the struggle of army against army, and fleet against fleet, as when we stood almost single-handed, and in a glorious, because a righteous cause, challenged Europe to the combat, yet there is the struggle of machine against machine, toil against toil, factory against factory), the evil, we say, of being once engaged in a struggle such as this—it is that human beings have to be more and more crowded together, and more and more tasked."

Here they had a christian clergyman deprecating the struggle of industry against industry, and the peaceful competition of men who were industrious and seeking an honest livelihood, and at the same time throwing a lustre around the horrors of war, and saying that the competition of army against army, and fleet against fleet, was what you ought to admire, and ought to imitate. They ought in the House of Commons, inasmuch as the Church and State were said to be united, indissolubly united, and they (the Parliament) being the State, they ought, and it was their duty on this occasion, to deprecate such doctrine as this. The sermon went on thus:—

> "Why, as a clergyman, would I shrink from seeing in this country the abolition of all Corn-laws? [This, remember, is a sermon!] Because I am a political partisan? God forbid that a clergyman should ever be such. Because I wish to uphold the interests of one particular class? God forbid that a clergyman should ever identify himself with any class. But I cannot hide from myself that whatever tended still more to drain the people from the fields and to crowd them into factories, whatever went to encouraging the plan of making England the workshop of the world, would but increase the difficulty of getting any moral hold on a swarming population. And this is what a Christian should deprecate. Parties may jostle for place, but the measures which a Christian should oppose are those which, whatever their apparent political expediency, menace injury to the national piety; the measures which he should further are those which, however they may seem to threaten our greatness as a kingdom, tend to the advancing the cause of Christ, and the diffusing his gospel."

Now this, he must say, was dangerous ground. He must impress upon the right hon. Baronet that this system of indirectly imbuing the minds of the people of this country with unsound doctrines was most pernicious in its tendency. He did not approve of this system of pulpit political economy. This rev. gentleman told them that it was necessary for the national piety that the Corn-laws should be maintained. But was it certain that the clergy were disinterested and pure in their preaching this doctrine? Had they not a pecuniary interest in maintaining the Corn-laws? Did not the tithe-rent charge depend upon the price of corn? It did; and therefore he would say it was a most dangerous and a most indiscreet doctrine for the clergy of the Church to preach, and for a clergyman in the pulpit to declare that he should shrink from the abolition of the Corn-laws. He believed hon. Members would best discharge their duty by telling the people that they must repeal the Corn-laws; that it was impossible to retain them; that they must prepare for a change; that the farmers must brace up their nerves to encounter competition, by improving the cultivation of the land, and enable themselves to set the Corn-laws at defiance. When the leader of the Tories and the leader of the Whigs —the right hon. Baronet opposite and the noble Lord the Member for London, were equally agreed in the soundness of the principle of free-trade, it was impossible that the restrictive system could much longer be maintained. When the leaders of the two great parties in the State had admitted the necessity of the principle, it behoved them, in the discharge of their duty, to instruct the farmers to prepare for the change; and if any sacrifice were required from the landlords to meet that change, then to assure them that they, as landlords, were prepared to make that sacrifice. Noble Lords and hon. Gentlemen in this House had risen to say that when they were voting for the tariff they did not know that they were voting in favour of the principles of free-trade; and, in fact, no means were left untried in order to keep the farmers in the dark. Why hold out fallacious expectations? Why raise hopes that must be disappointed? If the House refused to entertain an inquiry, it undertook a weighty and a solemn responsibility, especially after the reasons, the unanswerable reasons, as it seemed to him, which had been advanced in favour of an investigation. One strong reason was, that the majority of the House believed that distress existed, and that nothing the Government had done would mitigate it. The House, then, was bound to resolve itself into a committee, for the majority admitted that the new Corn-law and the tariff would afford no relief. On the other side of the House it was contended that those two measures would do no good, because they were an approximation to free trade. On his own side of the House it was asserted that they would do no good, because they did not go far enough. Both sides were therefore bound to enter into a dispassionate investigation. Why did Members sit in the House? What was their duty, if not to look into such matters—to ascertain why such unprecedented distress prevailed in a country possessing so many capabilities, and such inexhaustible resources?—why so many hundreds of thousands were starving in the midst of accumulated millions?

You tell me that you have not time; but can any period be more opportune? You have passed the Income-tax and have thereby maintained public credit by equalising the revenue and the expenditure. According to the confession of the right hon. Baronet he has obtained all the measures he means to submit. You have, therefore, leisure for this inquiry, and you can have no possible excuse for not entering upon it. In all Parliamentary history there never was a more fit occasion—an opportunity more exactly, as it were, cut out for the purpose. Do not talk to me of convenience—do not tell me that you must go into the country for your amusement. Amusement! What amusement can you find when your fellow-creatures are suffering beyond example? Timely inquiry may at least ascertain the means of alleviating some of the existing misery; and who shall say to what an extreme it may be carried in the coming winter? We know that the prospects of the coming harvest are not promising. Why, your own authority—the guide of the corn trade—the rule by which prudent farmers govern their operations—the *Mark Lane Express*—tells us that it cannot come to the conclusion that it will be an average crop. If it fall short of an average crop, it will be far indeed below the wants of the community, because even an average crop is insufficient. Is there nothing to be said against inquiry but the inconvenience to which it will put Members and the insane, I must so term it, confidence that there will be an average harvest? Distress exists; we are ready to show you the basis of that distress; and I am not aware that it is laid down by any constitutional writer that Parliament shall not sit beyond a certain day in August, in order that Members may not be deprived of their rustic recreations. I maintain that Government will incur an awful responsibility if, when it has nothing else to do, it will not join in an investigation which may end in some mode of lessening distress and suffering in the approaching winter. Why are we to separate? What compels us to separate? Can there be a more fit occasion for calling in the advice of a physician than when the patient is suffering under the symptoms of disease? Why postpone so vital a question? Can there be a more useful, or a more profitable occupation of your time than to resolve yourselves into a committee to ascertain the causes and the remedies of distress. One hon. Member assigns one cause—another, another; one has one remedy, and another, another. Let us consider them, and at all events satisfy our consciences by doing our best to ascertain and meet the evil. Before I sit down I beg to tell the friends of the Corn-law that they may depend upon it the days of that law are numbered; it is their duty to tell their tenants, their agricultural labourers, or any others whom it may concern, that the day is not far distant when the Corn-law will be erased from the statute book. The day is at hand also when they will wonder, not that the Corn-law has been repealed, but that such a disgraceful statute was ever permitted to deform our legislation. I believe, if you would but see that it is your interest to repeal the law, that you would repeal it. The right hon. Member for Cork spoke to me of an acquaintance of his in Dublin, who said to him, that, if he were once convinced that honesty was the best policy, he would be honest. So, if you would once be convinced that it is your interest to repeal the Corn-law, you would repeal it. Depend upon it that it is your interest, and if you will but read an excellent little pamphlet, by Mr. Ashworth, you will see how immensely the value of land has increased in manufacturing localities; in some instances, it has been to the amount of 3,000 per cent. All that is wanted is, that you should give the manufacturing powers of this country full scope, and then the owners of land, like all other classes, will share in the general prosperity, without incurring the disgrace and odium of maintaining a law merely because you think it promotes your own interests. Let us, then, enter upon this inquiry—let us do what we can to relieve distress—let us repeal the Corn-laws, and the agricultural interest will elevate itself to a station of moral power and pecuniary prosperity that will command for it the respect and admiration of the whole community.

Dr. *Bowring* seconded the motion. If he had been guilty of some pertinacity in directing attention to the subject of distress, it arose from the painful nature of the communications he daily received from the borough he had the honour to represent. It was obvious that what had yet been done by the Government had had no beneficial effect, though he was one who thought that full justice had not been done on his side of the House to the merits of the tariff. On the other hand, more than due credit had been given to the right hon. Baronet for his change in the Corn-law. What was required for the salvation of the manufacturing classes was, that new markets should be opened; and upon the question how far it was possible to find those markets in the United States, he begged to refer hon. Members to the report of the anti-free-trade committee lately appointed by Congress. [The hon. Member read an extract from the report of the majority of the committee, and followed it by a quotation from the report of the minority of the same body, both of them strongly against diminishing the duties of the American tariff, with a view to the introduction of British manufactures.] Hence it appeared that, as long as we continued our present system, there was no chance of the opening of new markets in the United States. The distress into which it was now proposed to inquire was not only daily increasing, but it was ascending to the middling classes; and yet the opponents of the motion were willing to leave it without any attempt at a remedy, when the approach of winter was threatening a most alarming aggravation of existing evils. To pursue this course, was for the House to neglect its duty, both as legislators and Christians. It was admitted that, on every side, there was a great and growing despondency, and, in the very subjection of the people to their forlorn condition—in that broken-heartedness and want of vitality, prevailing throughout the manufacturing districts, he saw the greatest cause for apprehension. Confidence in the House of Commons was almost at an end, and the reluctance of the representative body to attempt anything in the way of relief, showed that there was something in its constitution which required alteration. For what was legislation intended, or legislators made, but for the purpose of meeting cases like the present, at least with inquiry, if not with remedy? Such a burden of misery had never before loaded the country, and how hon. Gentlemen could go to their beds, and think that they had done their duty by doing nothing, he could not comprehend. The very foundations of society were, at this moment, menaced, and it was impossible that matters should remain even in their present condition. Beyond the hands employed in the production of manufactures, there were enormous multitudes who had no employment; and when they heard of the thousands and tens of thousands of human beings, who had not 2*d.* a day for their support, he wondered how Members could have the heart to return to their country seats, and refuse this investigation. He entreated the House respectfully, but most earnestly, not to turn a deaf ear to the prayers of the people, but to lend themselves to an endeavour to find some mode of relieving sufferings, the description of which could not be exaggerated.

Captain *Berkeley* said, that he had never shown any improper hostility to the present Government; for, although he was wedded to his political opinions, it had been his fate this Session to have divided oftener in favour than against the measures of the right hon. Baronet. This was not because he had changed his creed, but because the right hon. Baronet had found it convenient to alter his. Part of his hostility to the present Ministers arose from their not having obtained the Government under fair colours; they had come into office on false pretences, for they had not only made the Corn-law a bugbear at the last election, but had frightened all the old women in the country by asserting that to adopt the principles of free-trade would be little short of downright revolution. Yet the right hon. Baronet no sooner met the Parliament than he tampered with the Corn-law, and carried the principles of free-trade quite as far as his predecessors. The Poor-law had been made another convenient bugbear at the last election, yet the right hon. Baronet had himself proposed to renew it. If, therefore, he had voted with the right hon. Baronet on several occasions, it was not that he liked him as a leader, inasmuch as he preferred a man who was steady, to one who was wavering in his principles. When he came down to the House he had made up his mind not to vote for the motion of the hon. Member for Manchester, but he had been so convinced by the reasoning and eloquence of his speech, that he had made up his mind to divide in his favour. At the same time, he did not think, that by pursuing such a course, the hon. Member was advancing his own cause, and he certainly was very inconveniently postponing measures of much importance. For his own part, he was willing to allow the Government to take its own course, for he felt much like the Irish coachman, who, when his four horses ran away, after doing all he could to stop them, at last threw the reins upon their backs, and exclaimed, "Now go your own way, and take the responsibility upon yourselves." The coach, it was true, was upset, and such he hoped would soon be the fate of the present Administration.

Sir *John Easthope* was perfectly aware how irksome and disagreeable it must be to individual Members thus to interrupt the regular progress of the business of the House; and he was quite sure that the feeling expressed upon this point by the hon. Member for Gloucester was not confined merely to himself. Extraordinary circumstances would, however, justify an extraordinary course, and the simple question was, whether the present state of the country did not demand from Members, and especially from those Members who represented places enduring sufferings such as now afflicted the manufacturing districts, that they should deviate from that line of conduct which they would otherwise have been glad to pursue. He did not believe that the vigorous perseverance and indomitable determination of his hon. Friend, the Member for Stockport—that all the courage and energy he had displayed—would have been sufficient to enable him to carry on these repeated discussions without the aid of that painful and stringent distress which none denied and all regretted. Discouraged as he had been within the House, his efforts would have failed, but from the support he had received from the pressure from without—that pressure arising from distress unparalleled and misery unexampled, threatening the disorganization of society, and holding forth the prospect of calamities which every man, however daring, trembled to contemplate. He thought that a great deal might be said on behalf of those Members who represented manufacturing places, and who in that circumstance might find an excuse for pressing this question beyond the usual and ordinary extent. Let it be recollected, that they were not returning to amusements—that they were not about to enjoy those pleasurable relaxations which commonly attended hon. Gentlemen at their homes; they were about to revisit the abodes of misery, carried to an extent of wretchedness which it was impossible to describe. The right. hon. Boronet had referred to certain oratorical declamations, which no doubt were less convenient, and tended less to a legitimate purpose, than a statement of facts; but it could not have escaped him that whenever deputations in this way occupied more of his time than might be desirable, an excuse was to be found in the state of the places from which they came, where misery prevailed to an excess that could be scarcely endured. He had the honour, he might, on some accounts, say the misfortune, to represent a large constituency, which was suffering in a manner he had no words to describe; and he should shrink from the discharge of the duty he owed them, if, before the close of the Session, he did not detail to the House some few of the peculiarities of that afflicted community. The right hon. Baronet, and the official Friends by whom he was surrounded, had told the House and the country, that they had done all they intended to do. He gave them credit for imagining, that they had done all they could do. Many of their supporters, no doubt, felt that they had done too much; but those who stood in a situation like that which he occupied—impressed deeply by the sufferings of their constituents—had to complain that whatever Ministers had done—however much they had talked of their Corn-law and of their tariff, they had done little indeed to relieve or mitigate the actual distress. The people said, "If you have done all you can do in the House of Commons, we have no confidence in the House of Commons; we have no dependence upon the House of Commons; we will no longer petition it. If you can do no more to lessen our misery we shall no longer rely upon you as the faithful representatives of the people." Could it be truly asserted, that everything had been done, and everything tried, while so much wretchedness existed? It had been said, in the course of these discussions, that one of the signs of increased prosperity within a given number of years, was the vast increase of inhabitable houses. He wished, that the estimate of that number had been formed, not from the last ten, but from the last two years, and that a return had been obtained of the proportion of houses now vacant. In the borough of Leicester, there were 11,000 inhabitable houses, and of these nearly 1,600, or rather more than one-seventh of the whole, were uninhabited. About 4,000 frames were usually employed in the staple manufacture of the town, and of these more than one-third were out of use. The estimate of the depreciation of the value of house property, was about 30 or 35 per cent., and no sales could be effected even at that reduction. The depreciation in the value of machinery was calculated at upwards of 40 per cent., and individuals had been unable to obtain even that diminished rate. The increase in the amount of the poor-rates was also deplorable, and comparing the first quarter of the present year with the first quarter of 1840, the amount had nearly doubled. In the first quarter of 1840, the amount was 2,745*l.*; in 1841, it was 3,898*l.*, and in 1842, it had risen to 5,120*l.* Now, if there was no other way in which this state of things could be properly and fully brought home to the conviction of those hon. Gentlemen who were engaged in agricultural pursuits, he greatly feared that it would be very soon brought to their conviction by labourers going from these wretched and distressed places to seek agricultural employment, instead of the manufacturing districts receiving from the agriculturists their surplus labour, which for a series of years they had beeen accustomed to take. One fact recently came within his observation, and a fact was better than an argument. A few days since, he had met at his own door an artisan, who, at the last election, was one of his constituents. The man accosted him and said—

> "I am not come to beg, I do not ask for money, but I am come to ask for an admission to a hospital. I had a good character in Leicester, the town I have left, and I formerly had good wages. I was amongst a number of workmen discharged by our employer. My employer, almost with tears in his eyes, gave me a sum on my leaving him. I stopped at home, till I was a burden upon my family. I then wandered about the country, sleeping under hedges and in barns, till I have become the wretched being you see me."

And the man did appear to be in a state next to starvation. He added—

> "I have pawned all my things to get bread, and if I do not go into a hospital, I feel I shall die."

The man went into a hospital, he came out cured, and he was now gone as an agricultural labourer. He did not state this single instance because he believed it was and would be the condition of thousands. What effect would this have on the agricultural labourers? They were not too well off now, and if there was the addition to their numbers from this source, he feared hon. Gentlemen would find that the agricultural districts, instead of exhibiting the charming and delightful scenes which some landlords described, would be almost as miserable and as unseemly as those wretched towns. He could not but think that his hon. Friend the Member for Manchester had made out a strong case. His hon. Friend asked whether everything had been done which could be done, and ought to be done? He repeated the question of his hon. Friend. Had they considered all that ought to be considered? Had they made every effectual trial to alleviate the sufferings of the people, to requite that patience which had been so justly praised, and to encourage the thousands of suffering beings to endure with still more patience misery which was almost unendurable? He was aware that emigration could scarcely be looked upon as a complete remedy for so much destitution; but had the Government given to the subject of emigration all the attention which it could fairly demand? He had last night voted against his hon. Friend who sat near him, because he was in favour of giving encouragement to our colonies, and of making them as comfortable as possible, if they were to be the homes of our distressed population, and he would continue so to do; but he would ask the right hon. Baronet, the Member for Tamworth, whether proper attention had been paid by the Government to the subject of emigration, for, small as the relief might be from that quarter, in comparison with the distress, yet in the present state of our domestic affairs it was entitled to regard. Would not some portion of our marine be well employed in conveying to these distant, but more happy shores, the wretched men who were now wandering about the country without employment? If this were not deemed an adequate remedy, had it at least been considered and tried to its fullest extent? He regretted that he did not see an hon. Member present, opposed to the views of that (the Opposition) side of the House, the Member for Northamptonshire. That hon. Member had, a few years since, assisted the poor people of his village to emigrate to the colonies. What had been the consequence? They were doing well, and were inviting those who were suffering here to come to them. Many had followed them, and had thus escaped from wretchedness. A noble Lord now deceased (the Earl of Egremont) had adopted the same plan on a still larger scale. He had been told that this had produced the best possible results; he had been informed that many of the individuals who had been induced to go out through the munificence of the noble Earl, were now sending home money to enable their relatives to follow them, and giving instructions and advice to those who were willing to follow them. Now he asked whether the Government ought not to give full consideration to this subject. It had, he doubted not, attracted some attention from the noble Lord, the Member for North Lancashire; but had it engaged the attention of the Government to the extent to which, under the circumstances of the country, it was fairly entitled? If it had not received their attention, was not even this a fit subject for careful and immediate consideration, let the time it would occupy produce ever so great inconvenience to individuals? The mere simple forms of relief would not satisfy men who were starving, and however irksome it might be to him to adopt language which might appear to be inflammatory, yet, knowing well the place he represented, and feeling deeply for that state of distress in which it was involved, he deemed it right to say, that such a state of affairs could not go on without the greatest possible danger. He hoped that he was mistaken in this; he trusted that his fears were overcharged. But he knew that if he were one who asked for work, and could not procure it—that if he asked not for alms, but for work to obtain bread for himself and his family, and could not gain it, his patience would break down; he should be driven to desperation; he never could consent to sit by and see those who were near and dear to him, reduced to the last stage of starvation. He only wanted hon. Members to apply themselves to the facts. The last time he went to the place he represented, he was struck with the change since he had been first connected with it. Instead of finding general appearances of contentment, he found that the pawnbrokers' shops were overladen with goods, so that they could not take in any more; and many houses, which he recollected as the abodes of comparative comfort, were stripped of their furniture. He found individuals, who were formerly in apparent ease, in a wretched, ragged, and worn out condition. He believed that it would not be long before this state of things would visit the rural districts. He believed that the population would go from the districts at present impoverished into the agricultural districts, and, if they went under the pressure of positive want, it required no prophet to predict how this would act. He did not wish to carry on a species of warfare against votes of supply; to him it was extremely irksome; those who thus acted in the House were very far behind the opinion and the wishes of the people out of doors; if within those walls they were thought to exceed the ordinary bounds, yet, by the suffering people out of doors, they were considered to keep too much within them. He hoped that before the Government decided that the representatives of the people should have no other opportunity of stating their feelings in that House, the Government would be a little more explanatory as to its future policy; he hoped that it would not act altogether to destroy the belief that something might be done to induce a prospect of amelioration; let them not go to their constituents and tell them that all they had said and done amounted to nothing, and that they could do nothing; let them not tell the people they had changed the Corn-bill, and made some improvement in the tariff—that what misery could not be cured by these measures must be endured.

Mr. *Hume* said, that further discussion on this subject had been deprecated; it had been said that a limit ought to be put to this sort of debate on the subject of distress and on the Corn-laws; but the only limit to discussion in his opinion, was the attainment of that which he and his hon. Friend sought in the motion before the House—an inquiry into the causes, and a remedy for the distresses, of the people. Up to last night the House had not heard what were the views of the Government as to the means they had to afford relief to the severe and wide-spread distress. Last night, however, both the right hon. Baronets opposite (Sir R. Peel and Sir J. Graham) had made statements which he presumed were to be taken as expressive of the intention of the Government on the subject—namely, to the effect, that they acknowledged the distress, and admitted that it was severe and widely-spread, and that they were anxious to relieve it; but that, as they had passed measures from which they expected relief would soon be derived—that, in particular, they had altered the Corn-law, from which they informed the House that corn was now actually coming into the country in considerable quantities, and they asked the House not to judge, from the effects produced in seven or eight weeks, what would be the ultimate effect; but to give the measure a fair trial. Now he (Mr. Hume) said, that be the result of the trial (of the new Corn-bill) as to quantity what it might, the measure could not afford the relief the country required.—The country wanted more work. If 5,000,000 quarters of corn were to come in by the temporary and sudden opening of the ports, or at a low duty, it would be impossible effectually to relieve the distress of the working population, unless means at the same time were found for employing labour. What they wanted was work, and adequate wages for their work; and without a trade in corn and other great articles of food, and a regular demand and exchange of goods for such corn and food, that desirable effect could not be brought about. If the million and a half quarters of corn now in bond in the Queen's warehouses were let out, the working classes had not the means to purchase them; and, therefore, the letting them out would be of little use to them. The relief which the country required could not be had from this source, it must be derived from work to give wages. That was the conclusion he arrived at. Nothing would restore the population of this country to their usual comfort but perfect freedom of trade, and the abolition of all those restrictions which now impede trade. If foreign corn, sugar, butter, cheese, and other articles of general use with the people, could be admitted freely, and a trade created in those articles, a renovation of labour would be the consequence—without that all other measures were, in his opinion, vain. Did hon. Members seriously consider what the danger was, to which the country would be exposed if the want and privations were not soon removed? He could hardly say on how slender a foundation the peace of the country rested. The working classes were not alone suffering great distress; the shopkeepers and middle classes, the master manufacturers, the men of capital, were all suffering, and fast approaching the condition of the working classes. Day after day, mills were stopping and firms failing; everything showed that all our industrious classes were approaching with rapid strides to the same condition. He, therefore, asked the right hon. Baronet what measures had been passed that, in his opinion, could relieve this state of things. He admitted the justice of the complaint of the right hon. Baronet (Sir R. Peel), that justice had not been done to him for the extent of the changes in the duties, nor to the principles on which he had based his tariff. He (Mr. Hume), fully admitted that great benefits to the commerce and industry of this country would follow from what he had done; but, as to immediate or early relief for the distress of the country from the alterations made in the tariff, he could not see a chance of it; and he, therefore, asked the right hon. Baronet whether the responsibility that would be thus cast upon the Government by their proroguing Parliament in the present state of the country, was not such as to induce him to reconsider the nature and extent of the distress, and allow his hon. Friend (Mr. Gibson) to take the course which he proposed? He asked the right hon. Baronet whether the distress to which the manufacturing capitalists were fast approaching was not sufficiently alarming to induce him to adopt this course? If many more of them were swept away by the loss of trade, was there no danger to other classes in the State? If commerce was ruined, would the landed interest remain long untouched? Another very important consideration ought to weigh with the Government, how far the financial resources of the country, with this distress prevalent everywhere, could be depended upon to meet the demands of the State? Was it possible to suppose that the income of the country, which depended so much on the consumption of the industrious and manufacturing classes by direct taxation, could long be raised, if this state of things continued? Then, with 1,500,000 quarters of corn under the Queen's lock (or, as it might more properly be called, the landlord's lock), was it to be expected that the present extent of distress would be quietly endured by the famishing people? He was convinced the landed interest would find ere long the danger of causing and keeping up the distress in the country by their system of monopoly and exclusion. As a sign of the times the poor-rates were increasing everywhere, and the increase was very fast extending over the agricultural districts. Mr. Weale, in his report, taking fourteen agricultural counties, found that the poor-rates had increased since 1840 and 1841, in some 10 per cent., in some 15, and in others 25, and even 33 per cent. The hon. Member then ran rapidly through a paper, showing that the poor-rates had increased more in the last year, in proportion, in Kent, and in various other agricultural counties, than in the manufacturing county of Lancaster, or even in the town of Leicester. In short, unless work was obtained by the millions, by means of a free-trade in food, he believed that the agricultural interest would speedily, in many districts, be eaten up by the paupers who were daily thrown out of manufacturing employment, and would soon be compelled to seek subsistence from their native parishes. The agricultural interest, therefore, was, in his (Mr. Hume's) opinion, as much interested as the manufacturing interest in the speedy adoption of the only remedy for the distress—free-trade. If hon. Gentlemen thought they had a right to the rents of their own estates whilst the distress and want continued, they were much mistaken. [*Laughter.*] They might laugh, but he would tell them that, by law, the paupers had the first claim upon the land, and next came the clergy, who must be paid their tithes before a shilling of the rents was touched by the proprietor, who only came in third to receive the rents, or rather the residue of the rents of his own property. He therefore warned the agricultural interest to profit by past experience, and to take care lest by farther aggravation of the distress the land became a prey to the paupers in the first place, then to the clergy, and the little of rent that remained would only come to them. The country was, by the continuance of these monopolies, about to suffer very severely, and be exposed to a dangerous experiment, the result of which no one could tell. The lamentable condition of the manufacturing interests of Stockport, Burnley, Bolton, and other places in England, had been forcibly stated to the House. The same was the state of many parts of Scotland, and he would state a case in point, in one of the towns of the shire which he represented, to show the condition of things:—Dundee was the principal manufacturing town in Forfarshire. It had thirty-nine mills, employing 1,766 horse-power. Of these ten mills, and 513 horse-power were at present stopped. Numbers of persons were in consequence thrown out of occupation, and unless trade revived, others would follow, and ruin must be their portion. He knew no means by which the population of that manufacturing district could be supported unless some extensive vent or outlet were found for the produce of their labour, which was chiefly linen and linen thread. On all these grounds it was that the House was bound to inquire into the causes of the distress; and he would admit that there were other causes at work than the Corn-laws. The heavy taxation of this year, exceeding fifty-three millions, to be augmented three or four millions by the odious Income-tax, upon the capital and industry of the country, had in his opinion a considerable share in producing the present state of depression. At any rate, he (Mr. Hume) stated that it was utterly impossible to continue that extent of taxation and a monopoly of corn, without frightfully aggravating the distress of the country. Her Majesty's Government, with power to carry any measure through Parliament, and backed as they had been by a powerful majority, seemed to him to disregard the signs of the times, and to refuse in this critical time to apply timely relief; but, in doing so, the responsibility they took on themselves was awful, and the result must be dangerous in the extreme. The peace of the country was in imminent danger. He would further request the right hon. Baronet to reconsider the principles which he had laid down in this Session, as necessary for the prosperity of the trade of this kingdom; and it would be impossible for him, consistent with these principles to allow the present monopolies and the consequent distressed state of the country, to continue one week longer. If all the corn in bond were let out, it would afford little or no relief to the present distress. Perhaps the price of corn might be two or three shillings a quarter cheaper and that would afford some relief, but there could be no means of supplying the people adequately with food, unless the Parliament opened the ports and established perfect freedom of trade. He would add, in respect to taxation, that had the right hon. Baronet adopted the proposition made by the late Government, of having a fixed duty on corn, and reducing the duty on foreign sugar and timber, there would have been ample revenue to supply the deficiency and no necessity for the Income-tax. With regard to the change made in the Corn-laws being really any great improvement, he would ask the right hon. Baronet whether he had received any accounts that foreign countries looked upon the alteration as making any essential change in the Corn-laws? He ventured to tell the right hon. Baronet that foreign countries did not look upon that measure as any great approximation to free-trade. Notwithstanding the confident boasts of the right hon. Gentleman, as to the relief to be derived from his Corn-laws, the existing evils would increase from day to day unless a trade in corn was effected; and, whatever might be the result to the peace of the country, they, on his side of the House, would at least feel satisfied that they had done their duty—that they had endeavoured to force the Government into the consideration of this most important subject, and that, if they would not act upon the suggestions that were offered to them, the responsibility would fall upon them and the majority of the House who had supported these starvation-producing laws.

Mr. *Fielden* bore his testimony to the condition of distress to which the people of this country were reduced. He requested the right hon. Baronet to give at least some encouragement for the people to hope that the Government would bring forward some plan to relieve them from their present state of distress. For his own part, he did not know how his own workpeople could be maintained. He would do everything in his power to assist them, but he feared that they must still undergo a great deal of suffering, even before the winter came on. He felt bound, on every consideration of justice and duty to support this motion for a committee of the whole House to take into its consideration the distressed state of the country.

Sir *C. Burrell* regretted that nothing had been suggested by Gentlemen opposite for the relief of the distress that prevailed, but a total repeal of the Corn-laws; but he was convinced that if this were done it would do incalculable mischief, not only to the agriculturists, but to the manufacturers themselves, as it would destroy their home market. He imputed a great deal of the distress that prevailed in the agricultural districts to the changes in fashion in this as well as in foreign countries. In consequence of some feeling of this kind he had no doubt but that many foreign countries did not choose to purchase English manufactures as they formerly did.

Mr. *Villiers* said, that the hon. Baronet who had just sat down had said, that if all the manufacturers in this House, or in this country, were like the hon. Member for Oldham, that they should be able to proceed in this discussion in a more amicable and friendly spirit than they had hitherto done. Now he would retort the compliment upon the hon. Baronet, and say, that if the country gentlemen in this House were all like him, and had the manliness to stand up before their opponents, and, in the face of the country, to vindicate their policy and their character, which was so deeply involved in this discussion, there would at least be removed that impression which then existed, that, conscious of the injustice of their conduct, they dared not utter a word in its defence. With the impression which he had himself of their policy, he could only explain their silence by supposing, that they felt without excuse for its continuance; and he indeed only felt surprise, when any person on his (Mr. Villiers') side should offer any apology for the motion of his hon. Friend, which is said to arrest the progress of public business, when in truth that apology, if one was due from any quarter, ought to come from the opposite side, for compelling hon. Members in the discharge of their duty, to bring on such a motion. Yes, he said so, because they had it in their power to prevent any motion of this kind being made by doing their duty, either by granting some inquiry into the causes of the distress, or assigning some reasons of their own for its existence, or by applying some relief; but what had been their course—they had refused every inquiry—they had assigned no intelligible reason for the distress, and had not proposed any remedy; and now complained that Members, in the discharge of their duty to constituents, who were suffering the extremity of distress, availed themselves of every moment while the House was sitting, to detail the sad consequences of the legislation of this House upon the well-being and condition of the people. He was reminded that the hon. Baronet, who had just sat down, had assigned a cause for the distress; he had so certainly, and a very fanciful one it was. He seemed to think that the problem of general distress might be solved by the effect of a change of fashions which had recently occurred—he supposed he meant in country gentlemen's dress. That might satisfy the hon. Baronet, on whom the responsibility of the present state of the country would rest; but he thought that the Minister would not think that was sufficient to satisfy the country, as to the cause of the depression now affecting the productive classes of every kind; and in the absence of any better explanation from him, he must justify the motion of his hon. Friend, which, like all the similar motions, was attended with advantage in argument to those who agreed in the chief remedy which had been prescribed, of removing the restriction which now limited and obstructed the trade in food. He cared not in what manner such motions were treated by hon. Gentlemen opposite, for they were sure in some way to benefit the cause; for if hon. Gentlemen attempted to argue in favour of the Corn-laws, their opponents profited by the exposure of the shallowness of their case. If they were silent, all men imputed it to their discretion, as having nothing to say; while discussion offered to the advocates of their repeal a happy opportunity of illustrating the fallacies by which they had hitherto been defended, and certainly there never was a time when that could be done with more effect, whether it was with reference to the wages of labour, or the profits of trade, or the independence of foreigners; and he availed himself of that opportunity of asking the country now to examine how those promises had been fulfilled by which the law which he contended had caused their distress, the repeal of which would remove it, had been maintained, and to say if that was not enough to account for the silence of Members who, in more prosperous times, were noisy and eloquent in claiming for the law the national or benevolent purpose of making wages high, of rendering capital profitable, and making the nation independent of foreign supply. He asked now what were the wages of the labourer and of the operative? Let them say—let them answer how far the Corn-laws have kept up their wages. Let the manufacturer say whether he is realizing a fortune upon his customers at home, having lost his best customers abroad. Where is the independence of supply from abroad? Is there any man opposite hardy enough to say that wages have been kept up by or with the price of food? Will any man opposite deny, that those who live by labour in this country are in the most pitiable condition that he has ever yet known them, and some of them in a state worse than is usually the lot of human beings in a civil state? Will any man dare to deny, or has any one ventured in one particular to gainsay the shocking stories brought from the great manufacturing towns, of the loss, misery, and suffering, which is being endured by capitalists and labourers. Is the silence then of Gentlemen opposite to be wondered at when they see every promise to the people broken, and every prediction falsified, while all disinterested men agree that those very laws are the prominent cause of those evils, which they have so failed to avert. But is the independence of foreign supply the price of which we are satisfied to pay for all this sacrifice. Why, what is the boast, or rather the hope of the Government—but that the distress may be somewhat abated by the large admission of foreign corn, which they pray, and which they expect will be soon admitted? Is it not then some advantage to have these discussions to complete the exposure of all these wretched fallacies? and when hon. Gentleman sit there silent, not daring to utter, lest by the repetition of such things at the moment, they would be treated with ridicule and derision—it is the advantage of discussion to expose these fallacies, for, when detected and exposed, they become ridiculous, and he believed, that when ridicule attached to error, it was the best chance that the truth had of being supported. But it was said, that they were an impotent minority, and that they could do nothing; he wanted to know where was the experience that justified any such conclusion? He thought that the minority had done everything—or at least nothing would have been done without it. The right hon. Baronet the Member for Dorchester had stated truly, that the rulers of this country were omnipotent if backed by public opinion, but weak and impotent in upholding any exclusive advantage, when acting in violation of public opinion. How, then, had the minority derived their influence? By acting on that opinion, by exhibiting clearly to the public the iniquitous, inhuman, mischievous character of the restrictions on human food, till they had so far influenced public opinion, as to compel Gentlemen opposite who were connected with the Government to abandon the defence of the law, and to be eager in disclaiming for themselves all desire for its continuance; indeed to avow themselves zealots in the opposite cause. This had been chiefly done by the import duty committee, the whole of whose proceedings had been conducted by a few zealous Members; for though they had been insulted, derided, and reproached for their labours in the year in which they acted, a year had not elapsed before the report they made, and the evidence which they collected, was the basis of all that was popular, all that was useful, that had been proposed by the Government; and what had they seen since, but every ground, one by one, on which the majority in this House sought to defend their monopoly, abandoned, until the Corn-laws were fairly reduced to their last legs, and were now only supported by that rude and selfish kind of power which an hon. Baronet had confided to the Member for Salford, that an interested majority of this House, to serve their interest, had so used? ["Oh, oh"] Gentlemen seemed to doubt what he said, but they well knew how these laws had been maintained; they had been by appeals to the ignorance of the multitude, by deluding them by captivating fallacies of various kinds, and by bringing the social and pecuniary influence of the aristocracy to bear upon the selfishness, servility, and narrow-mindedness of the middle classes. But what was now the case? The people now rendered keen-sighted by education, and excited by distress, saw through and proclaimed the frauds by which they had been cheated; and the middle class, now depressed by the natural operation of these laws, had been acknowledging their past error, and were in every direction holding out the hand of fellowship to their unrepresented brethren, and almost avowing that in the manner in which they had used their exclusive rights, they had neglected or betrayed the trust reposed in them. If it was then, the result of discussion that the truth was disclosed why should discussion not continue? What had been proposed to satisfy those who desired to improve the condition of the people? What had been said to assure them of the good disposition of the present Government, when everything that had been obtained had been wrung from them with the greatest difficulty, and almost by constraint? What had been proposed—anything to improve the condition of the people?—he unhesitatingly said not. They had been told last night that great principles had been announced, and that they ought to be content; but great principles announced will not feed the people. The people want more food, more trade; what will the announcement of great principles do for that? He could assure the Government opposite, that nothing would ever satisfy those who agreed with him, but actually and permanently improving the condition of the people. That he believed to be possible—that he believed the resources of this country, the skill and habits of the people, and the large capitals ready to give employment and development to both, would render possible; and that he believed was only prevented by inhuman, selfish, silly legislation. He did not look upon it either in that point of view alone—he looked at it also in a moral and political view, for he felt satisfied that a people could never be morally improved, or rendered fit for political rights, unless they were relieved from anxiety as to the mere means of supporting life—that must engross their whole mind at first, and while it was rendered difficult, must make them completely dependent—and while they were in that condition all attempt to extend education would be useless, and the extension of political rights degrading or dangerous. He wished to see the people well educated and in the enjoyment of political rights, and as he knew that before they could be either they must be as it were physically free, or removed from the anxious condition of wanting food, he felt anxious to remove these unnatural obstructions to their improvement. He firmly believed, in the present state of the world and the state of these two islands, this was possible; and as the people of this country ought to be raised morally, politically, and physically, no trouble should be spared, or any opportunity lost to promote the first great object of emancipating trade, and for this reason he should cordially, with the view to convert and convince other Members to his view, support the motion of the hon. Member, which was, that we should devote this leisure and appropriate moment to inquire into the cause of the frightful distress prevailing in the country, with the view to its instant removal.

Mr. *Muntz* did not quite approve of the course which had been taken; he did not disguise from himself that this was a Corn-law debate, and he wished it had been brought on as such. He rose to speak then, lest it should be inferred from his silence that the condition of his own constituents and neighbours was not so very deplorable; but having been lately much amongst them, and having sought information, he could say that rich and poor, old and young, male and female, Whig, Tory, and Radical, told him the same story, that they had never known trade so bad, and had never seen so slight a hope of any improvement. It was not only that the prices of provisions were high, but that wages were so low that the working man could not afford to buy provisions. He had given notice of a motion for an inquiry into the distress of the country next Session; and the House would, therefore, conclude that he was not in favour of an inquiry at present. In his opinion, neither the country, that House, or the Ministers, were in a condition at present to enter fairly upon that inquiry. But when such a motion as the present was made, he could not refrain from saying, that he entirely concurred in the object sought to be attained, and the necessity for finding some remedy. He was about to commence a new establishment, and the applications which he had for labour were quite distressing to him; instead of asking for labour as a right to be exchanged for his money, the labouring man came and begged it as a charity—trembling for fear of a refusal, and not walking upright as Englishmen ought to do. He differed from many Gentlemen as to the cause of the distress, but it was, at all events, necessary that some inquiry should take place, though not at present, into that distress and its causes. The right hon. Baronet, in opening the budget this year, had used this expression; "when we restored the circulation in 1829, we took time to consider it." But he was at issue with the right hon. Baronet upon that matter—he had not restored the circulation. He would not say another word as to the cause of the distress, but he pressed on the right hon. Baronet the necessity of seriously considering what remedy could be provided.

Mr. *M. Philips* differed from the hon. Member for Birmingham, that this inquiry would bear postponement. No less than 62,900 of his constituents had requested him to represent to the House the misery into which they were plunged, and the destitution by which they were surrounded. As a proof of it, he would state that in 1836 the poor-rates in Manchester were 24,000*l.*, in 1841, 45,000*l.*, and this year no less than 52,000*l.* He did not think there had been any extraordinary emigration from the agricultural districts to which this could be attributed. The hon. Member concluded by expressing a hope that the right hon. Baronet would not permit Parliament to separate without attempting to grapple with the means for remedying the distress that existed before it reached its climax.

Mr. *Cobden* moved the adjournment of the debate.

The House divided on the question that the debate be adjourned:—Ayes 33; Noes 188: Majority 155.

List of the AYES.

Aldam, W.
Bowring, Dr.
Brotherton, J.
Callaghan, D.
Collins, W.
Crawford, W. S.
Dennistoun, J.
Duncan, G.
Duncombe, T.
Easthope, Sir J.
Ewart, W.
Fielden, J.
Forster, M.
Hatton, Capt. V.
Hindley, C.
Hume, J.
Marshall, W.
Pechell, Capt.
Philips, M.
Plumridge, Capt.
Ricardo, J. L.
Roche, Sir D.
Rundle, J.
Russell, Lord E.
Scholefield, J.
Smith, B.
Tancred, H. W.
Thorneley, T.
Villiers, hon. C.
Walker, R.
Wawn, J. T.
Williams, W.
Wood, B.

TELLERS.

Cobden, R.
Gibson, T. M.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Capt.
Aglionby, H. A.
Allix, J. P.
Antrobus, E.
Arkwright, G.
Ashley, Lord
Bagot, hon. W.
Baillie, Col.
Baird, W.
Baldwin, B.
Bankes, G.
Barclay, D.
Baring, hon. W. B.
Barnard, E. G.
Barrington, Visct.
Baskerville, T. B. M.
Bentinck, Lord G.
Berkeley, hon. C.
Berkeley, hon. G. F.
Blackburne, J. I.
Blackstone, W. S.
Boldero, H. G.
Borthwick, P.
Bradshaw, J.
Broadley, H.
Broadwood, H.
Brocklehurst, J.
Browne, hon. W.
Bruce, Lord E.
Buller, Sir J. Y.

Burrell, Sir C. M.
Burroughes, H. N.
Byng, rt. hon. G. S.
Campbell, A.
Cardwell, E.
Chelsea, Visct.
Chute, W. L. W.
Clayton, R. R.
Clerk, Sir G.
Clive, hon. R. H.
Cockburn, rt. hn. Sir G.
Codrington, C. W.
Collett, W. R.
Colvile, C. R.
Corbally, M. E.
Corry, rt. hon. H.
Courtenay, Lord
Cowper, hon. W. F.
Cripps, W.
Damer, hon. Col.
Darby, G.
Dick, Q.
Dodd, G.
Douglas, Sir H.
Douglas, Sir C. E.
Douglas, J. D. S.
Duff, J.
Duncombe, hon. A.
East, J. B.
Eastnor, Visct.
Ellis, W.
Eliot, Lord
Escott, B.
Estcourt, T. G. B.
Feilden, W.
Flower, Sir J.
Follett, Sir W. W.
Forbes, W.
Forester, hn. G. C. W.
French, F.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gladstone, T.
Gordon, hon. Capt.
Gore, M.
Gore, W. O.
Goring, C.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Granby, Marq. of
Greene, T.
Grimston, Visct.
Grogan, E.
Hale, R. B.
Halford, H.
Hall, Sir B.
Hamilton, W. J.
Hamilton, Lord C.
Harcourt, G. G.
Hardinge, rt. hn. Sir H.
Hardy, J.
Henley, J. W.
Herbert, hon. S.
Hervey, Lord A.
Hill, Lord M.
Hodgson, F.
Hodgson, R.
Hope, hon. C.
Hornby, J.
Howard, hon. J. K.
Hughes, W. B.
Hussey, T.
Hutt, W.
Jermyn, Earl
Jocelyn, Visct.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kemble, H.
Ker, D. S.
Knatchbull, rt. hn. Sir E
Knight, H. G.
Knight, F. W.
Langston, J. H.
Law, hon. C. E.
Lefroy, A.
Leicester, Earl of
Lincoln, Earl of
Lindsay, H. H.
Litton, E.
Lockhart, W.
Lyall, G.
Lygon, hon. Gen.
Mackenzie, T.
Mackenzie, W. F.
M'Geachy, F. A.
M'Taggart, Sir J.
March, Earl of
Meynell, Capt.
Morgan, O.
Morris, D.
Morison, Gen.
Mundy, E. M.
Napier, Sir C.
Newport, Visct.
Newry, Visct.
Nicholl, right hon. J.
Norreys, Lord
O'Brien, J.
Owen, Sir J.
Packe, C. W.
Paget, Col.
Pakington, J. S.
Palmer, R.
Patten, J. W.
Peel, rt. hn. Sir R.
Peel, J.
Pemberton, T.
Pollock, Sir F.
Praed, W. T.
Pringle, A.
Protheroe, E.
Pryse, P.
Rashleigh, W.
Richards, R.
Rose, rt. hon. Sir G.
Rous, hon. Capt.
Rushbrooke, Col.
Russell, J. D. W.
Ryder, hon. G. D.
Sanderson, R.
Sandon, Visct.
Sheil, rt. hon. R. L.
Sheppard, T.
Smith, J. A.
Somerset, Lord G.
Stanley, Lord
Stewart, J.
Stuart, H.
Sutton, hon. H. M.
Taylor, J. A.
Thompson, Ald.
Thornhill, G.
Tollemache, J.
Trench, Sir F. W.
Troubridge, Sir E. T.
Tufnell, H.
Verner, Col.
Vivian, J. E.
Walsh, Sir J. B.
Wodehouse, E.
Wood, Col. T.
Wood, G. W.
Wyse, T.
Yorke, hon. E. T.
Young, J.

TELLERS.
Fremantle, Sir T.
Baring, H.

On the original question being again put,

Mr. *Hindley* moved the adjournment of the House. He thought it was justified in doing so because the right hon. Baronet at the head of the Government had not expressed his sentiments on the motion. He ought at least to answer the question, whether the country could go on another year with corn at 64*s*. a quarter, or whether, if the price did not fall, he would open the ports.

Mr. *G. Berkeley* would vote for any inquiry into the distress, but not for an adjournment, which would only obstruct the public business.

Sir *R. Peel:* I must say that if regular attendance in this House, during the whole of the Session, be a proof of sensibility to the distress of the country, I have given that proof much more strongly than the hon. Member himself (Mr. Hindley). I venture to say, that for one night on which the hon. Gentleman has been in his place, I have been three. The hon. Gentleman having absented himself during most of the debates of this Session, says now, as a justification for moving the adjournment of the House, that I have not answered such a question as this—if the price of corn be above 50*s*. or 54*s*., will I make a promise that the ports shall be opened? Sir, I think I have been treated very unfairly in this discussion. I have shown no impatience with hon. Members. I have never imputed the delays that have taken place, to any improper motive. I may have complained of those delays, but I have made no charge against those who caused them. On every occasion on which this subject has been debated, I have taken a part in the discussion. A proposal to inquire into the distress of the country was brought under the consideration of the House and was debated for three successive nights. A motion was made by the hon. Member for Greenock, that an humble address be presented to her Majesty, praying that she would be graciously pleased to refuse her consent to the prorogation of Parliament, until a full and searching inquiry was instituted into the causes of the unprecedented distress existing at present all over the kingdom. That motion was negatived by a majority of, I believe, 175 to 84. On that occasion I entered fully, as the organ of her Majesty's Government, into the reasons which prevented my acceding to the motion. Since that a debate, almost identical, took place on the motion of the hon. Member for Aberdeen, who proposed that her Majesty's Government should have a discretionary power of opening the ports. On that occasion, I and some of my Colleagues entered fully into the discussion. Last night another debate took place on a motion exactly embracing the same subject. On that occasion, was there any symptom of a wish on the part of her Majesty's Government to treat hon. Gentlemen opposite or this subject with the slightest disrespect? My right hon. Friend the Secretary of State for the Home Departmant delivered his sentiments in that debate. I, too, at considerable length entered fully into the subject, and explained my views. Now observe, the hon. Member for Manchester spoke at a late hour last night, and proposed the adjournment of the debate. He found the sense of the House against the adjournment, and that the prevailing wish was, that the debate should be brought to a close. Not acquiescing in the opinion that the debate should be closed, the hon. Member gave notice of an amendment on the motion for going into committee of supply, thereby distinctly implying that the debate should be the same, and (notice being given only last night) plainly intimating that he meant to make the speech to-night which he was prevented from delivering last night. Now I ask whether to all practical intents and purposes this is not an adjournment? It is a painful part of a Minister's position to be subjected to all manner of imputations, if he do not consent to occupy the public time by a repetition of his sentiments on an adjourned debate. It is utterly impossible that after the lapse of about twenty hours I should be able to offer any arguments different from those I stated last night, or give any further explanation of the intentions of Government. The conduct of public men may be safely appealed to on an occasion like this; and if I wanted any confirmation of the view I take of this as an adjourned debate and nothing else, it would be supplied by the fact that not more than two or three of her Majesty's late Government are now present. I do hope that the expression of a wish that this debate may not be adjourned may not be taken as an indication of disrespect. I have a very strong impression that this continued resistance to the expressed will of the majority is a fatal blow to the authority of this House. I protest against the perpetual exercise of a power guaranteed to the minority only on extraordinary occasions. And I hope that some of those Gentlemen opposite who are opposed to me on general politics will express their concurrence in the sentiments I have expressed as to these protracted discussions.

Mr. *Ewart* admitted that the conduct of the right hon. Baronet had been always marked by respect to his side, and that if he had made the statement which he had just delivered before the motion had been made for the adjournment, it would have prevented much misapprehension. He believed that the intention of his hon. Friend the Member for Stockport was, to elicit an expression of opinion from the right hon. Baronet on the important subject of the present discussion. He thought his hon. Friend ought now to persist.

Mr. *Cobden* had moved the adjournment under a misapprehension, he believed, of the rules of the House; but he really thought a motion supported by Members from Manchester, Birmingham, Bolton, and such towns, suffering at the present moment under the deepest distress, and begging only for a committee to inquire into its cause, was entitled to some notice from her Majesty's Ministers. Nothing the right hon. Baronet had said changed his opinion that the present debate was not identical with that of last night. He asked whether the able speech by which the motion was introduced was not applicable to the present state of the country, and not to what it might be three months hence? Here was the hon. Member for Manchester with a memorial signed by 62,000 persons, calling on him to stop the supplies, and this important document was not before the House at all last night. The right hon. Baronet, no one could deny it, had been punctual and unwearied in his attendance; but he understood it was the custom for a Prime Minister to be in his place in Parliament; he understood it to be one of his functions. The right hon. Baronet was very deferential to the "sense of the House," but the sense of the country was also worthy of some little attention. And he told the right hon. Baronet boldly, that the majority of that House were looked on in the country with utter disgust and contempt. He said so advisedly, and six months would not elapse before hon. Gentlemen opposite would be brought to the same opinion. When the right hon. Gentleman held the scales on which the destinies of the country depended, he thought he was acting anything but an unfriendly part towards him if he gave him an opportunity for stating his reasons why, with such a majority at his back, he refused to grant a committee to inquire into the present distress. If his countrymen, like the Hindoos, were prepared to lie down under the Juggernaut of monopoly, they might disapprove of an adjournment; but believing they had the spirit of Englishmen, he was sure they would support him in his resolution, to give the right hon. Baronet time until Monday to reconsider his opinions on this subject.

Mr. *Hawes* felt great pain in saying a single word in opposition to his hon. Friend the Member for Stockport, but the preservation of the representative principle of our Constitution rested on considerations superior to all others, and he did think that the determination to resist the deliberate opinion expressed by the majorities of that House must be altogether fatal to our constitution. If he wished to bring about the downfall of those to whom he was opposed as rapidly as possible, all he should desire was, that time after time their votes should be registered in contradistinction to the permanent interests of the people. The best way to impart to them a factitious strength was not so much by giving them a factious opposition, as yielding to the decision of the majority; and appealing by all legitimate means from it to the public was the surest means that could be adopted of cutting short its tenure of power. He was bound to admit that no one could have givena closer attention to the business of the public than the right hon. Baronet, or behaved with greater courtesy to his opponents. He must, before concluding say, that when the representatives of the manufacturing districts brought forward a motion for inquiry into the deep and perilous distress of their constituents, it was hard and provoking to find hon. Gentlemen resisting it by the mere force of numbers, and not condescending to enter the arena of debate. He thought, too, that after the statements which had been made, the Minister ought to state, in as short an address as he pleased, the reasons which induced him to resist inquiry. If motions should be made for the mere purpose of adjournment, he would join in resisting them on grounds closely connected with the preservation of the rights and liberties of the people, as they existed in the constitutional practice and usages of the House of Commons.

Mr. *Cowper* expressed a hope that the hon. Member for Ashton would withdraw the motion for adjournment. If the right hon. Baronet the Member for Tamworth did not speak, the fair inference to be drawn from his silence was, that he had nothing new to say upon the subject.

Mr. *Fielden* said, that his answer to those who complained of the motion for adjournment was this—the people were perishing for want of food. If the Government would do nothing to relieve those who were perishing for want of the necessaries of life, he wanted to know what the Government was for? The Government in this country was a very expensive affair: it took between fifty and sixty millions in taxes from the starving people. What right had the Government to complain of being obstructed in voting the supplies, and robbing the people by taxing them when they had nothing to pay. Was that the way to treat the English people? Talk of obstructing such treatment! why, he took a pride in obstructing it. If Ministers would not tell how they proposed to relieve the distresses of the people, he would not grant them a shilling. The House had passed the Poor-law Bill that night to prevent property from contributing to the relief of the necessitous, except under the directions of the tyrants in Somerset-house. They could pass laws to coerce the people, but they were slow to devise means of distributing among them, when they were starving, the abundance which this country possessed. Would the right hon. Baronet tell him what the Government was for? It was constituted for some purpose. Was it only for the purpose of wringing an immense sum of money from the people? The people must be fed and furnished with employment, and unless food and employment should be provided for them, every obstruction ought to be thrown in the way of the Government, and he, for one, was willing to go on obstructing them till five o'clock in the morning. He was not going to flinch. His hon Friend near him wished to address the House on the question of distress. The right hon. Baronet was not doing his duty to the country. He had sought and obtained a private interview with the right hon. Baronet, who received him with great affability. He communicated to the right hon. Baronet what ought to have engaged his attention. He explained the condition of the country, and told the right hon. Baronet that he must do something to prevent the people from starving; but all his pleading had been of no avail. Never since he entered the House of Commons had he been able to obtain relief for the suffering people. He had in his pocket a petition from a flannel weaver of Rochdale, who stated that, in 1829, he laid out 80*l.* in machiney, which he put up in his house, and at that time he had 40*l.* in money by him. He was now ruined. What did this weaver say? ["Question."] "You had better," said the hon. Member, turning round and addressing the Members at the Bar—"You had better go home to your wives." This weaver, with his wife and children, had now no resource but the workhouse. He had received a letter from the weaver to-day, in which he said that he had no respect for any order of society. This honest and upright man, in the first instance, sent his petition to the right hon. Baronet, who returned it to him, and recommended him to get it presented by some other Member, and, in consequence, it had been sent to him. It was the old constitutional practice to redress the grievances of the people before granting supply. That was the course which ought to be pursued now. 20,000,000*l.* had been voted for the emancipation of the negroes in the West Indies, who were better off than the English labourers. Why not vote 20,000,000*l.* for the emancipation of the white slaves in England? With that sum they could purchase the superabundant stock in the manufacturing districts, and lay it up until there should be a demand for it. He did not come there to entreat a favour, but to demand a right. He might be charged with factiousness, but he knew he was doing his duty. He would divide upon the question of adjournment, until five o'clock in the morning.

Mr. *T. Duncombe* thought that the whole of the difficulty in which they were placed had occurred from the circumstance of his hon. Friend, the Member for Stockport, not having, in the first instance, stated his reasons for moving an adjournment. If he had done so, the right hon. Baronet opposite would have then given the explanation which he had since made. He would have stated that he intended no disrespect to this side of the House. [Mr. *Cobden*: To the country.] To this side of the House or to the country. He would have stated that, if he had risen to reply, he could only have used the same arguments which he had so lately employed. Now, however, as that explanation had been given, he trusted that the hon. Member for Stockport would proceed to address the House as he had intended, and he was sure that his address would be heard with both attention and advantage.

Sir *R. Peel*: Every word which the hon. Gentleman has said is truth. I did think it a most unusual proceeding that an hon. Gentleman should, at twelve o'clock, have moved an adjournment, when there was no disinclination on the part of the House to listen to him, or to any other hon. Member.

Mr. *Milner Gibson* said, that the right hon. Baronet had been in error, in charging him with having brought on his motion because he had not an opportunity of speaking last night. His motion was quite a new one. It had occurred to him before his hon. Friend, the Member for Finsbury, brought forward his motion; and he had put a notice of motion on the votes, some time ago, that he would call the attention of the House to the existing distress. He repeated, that his motion was a different proposition from that of his hon. Friend, and must be answered in a different way. His motion was for a committee, to consider and inquire into existing distress, and he very much wished to know on what reasonable ground it could be refused?

Sir *R. Peel* must have misunderstood the hon. Gentleman. He did not know that he had given notice of a motion on going into supply; but it was one calling the attention of the House merely to the distress existing among the shopkeepers of Manchester. He certainly had misunderstood the hon. Gentleman so far, as to believe that he had last night risen to speak, or to adjourn the debate.

Mr. *Hindley* begged to withdraw his motion. He had only to say, in answer to the taunt of the right hon. Baronet, as to his absence from the House, that he sincerely congratulated the right hon. Baronet in not having had the same reason for absence as he had—domestic affliction.

Mr. *Cobden* said, that the only reason he could have for addressing the House was, the faint hope of being able to induce her Majesty's Government to take a different view of the subject from that which they had adopted. Let them consider the circumstances of the case. These circumstances were not now as they had been, when the right hon. Baronet began the Session. Every month, every week, of his career, had been marked by one succession of misfortunes. When he came into office, he told them that he would diligently inquire into every fact connected with the distressed state of the people, with a view to their relief. He had had the best opportunities of becoming acquainted with the state of the country—of knowing the progress of distress, the gradual diminution of employment, and the increase in the amount of the poor-rates; but he would ask, had he redeemed his pledge? He had never even condescended to bring the state of the country before the House—he had never moved for a committtee of inquiry. The noble Lord his Colleague had moved for a committee of inquiry into the state of our negro population, and his committee had been sitting all Session. Another committee had been moved for and obtained to institute an inquiry into the state of the negro tribes on the coast of Africa, but there had been no time for the consideration of the state of the people of this country. Under these circumstances should they not insist—had they not a right to insist — on Government now coming forward and stating their opinion of the condition of the country. If they had no such right what was the use of a Government—of an executive at all? It was left for his side of the House to plead for the distresses of the people — the Members representing the agricultural interest sat silent and seemed to take credit to themselves, and extend the impression to others, that the interest which they represented was in a state of prosperity. He would ask the hon. Baronet the Member for South Devon, whether the rate of wages to able-bodied agricultural labourers in that county exceeded 7*s*. per week? He would ask him whether the convicts in the hulks at Devonport were not fed at double the cost of those human beings fed by him and his brother landed proprietors? He would ask the hon. Members, the representatives of Dorsetshire, of Wiltshire, of Gloucestershire, of Hampshire, of Oxfordshire, whether able-bodied labourers in those counties were earning more than 7*s*. per week, or about 1*s*. 2½*d*. for each of the family, taking the number of a family at the ordinary average, an amount not more than one-half of the sum paid for the subsistence of paupers? It would be some poor consolation for the suffering operatives if they thought that their distress contributed to the comfort of their agricultural fellow-subjects; but it was an aggravation of the distress of the manufacturers to know that these Corn-laws, which deprived them of food, were also contributing to the misery of the agriculturists, for whose benefit they were said to be enacted. He charged hon. Gentlemen with subterfuge in leaving it to be understood by their silence that the agriculturists were not suffering—that they were not in a permanently distressed condition. The manufacturers were suffering under temporary distress, but the agriculturists were pining under permanent distress and bankruptcy. The agricultural Members were not here with clean hands; but their silence would not screen them in the eyes of the country. When they said that the Corn-laws benefitted the agriculturists, they spoke words of rank hypocrisy. The manufacturer earned, by skilled industry, 12*s*. per week. Were these skilful artisans to be brought down to the 7*s*. per week of the agricultural districts? Yes, that was what they were attempting to do. They had done it for their own population, and now they were trying to do it for the manufacturing population—for the skilful and intelligent artizan. Did the majority in that House suppose, that by sitting silently there when these things were stated, they could screen themselves from the indignation of the public? If so, they were much mistaken. The question lay not merely with the majority of that House. The country had a right to look to the right hon. Baronet himself. No one could sit in that House without seeing that in that House the right hon. Baronet had no equal, and could have no successor. In that House he was master; and with such a power in his hand, and with so awful a responsibility, resting on him, was the right hon.

Baronet to prorogue Parliament while such was the condition of the country? They had heard the statement of the hon. Member for Nottinghamshire. He had had letters from Nottingham, from Leicester, and from other places, denying those statements, and declaring that at no previous period had the country been in so bad a condition. There were individuals in the manufacturing districts, who for party considerations were ready to sacrifice their property to gain the smiles of the majority in that House. These individuals were the unworthy successors of Wedgwood, Arkwright and Peel. Were those the men to whom the right hon. Baronet had been listening? Were those the men who had told him things were mending? The right hon. Baronet had been deceived by them before, and if he trusted to them now he would be deceived by them again. They had not looked at the thing with impartiality. They knew nothing of free-trade, and, therefore, could not believe in it. The men who were crowding up to London and seeking for interviews with the right hon. Baronet, to lay before him the condition of the country were a different class of men. These men warned the Ministers before, and he would call on the right hon. Baronet now to listen to these men, who had had practical experience of what they were anxious to enforce on the right hon. Baronet. Had they ever been accustomed to leave their business for the purposes of faction? The very fact that these men were in London in large numbers was sufficient to convince men of shrewd observation that there was something wrong in the present state of things. Nor was it fair to reproach them (the Opposition) with bringing this question forward again and again. Every day there was something new springing up. What changes had not occurred within the last three weeks? Was it known three weeks ago that a change had taken place in the cabinet at Washington? Was the ordinance of the French government known three weeks ago, or the changes that had taken place in Belgium? Did the right hon. Baronet mean to tell the House that his measures were stereotyped at the commencement of the Session? The change in America was quite enough to arrest all the projects of the British Parliament, and to bid the Government not rest till they had secured a low tariff in America. It was in their power now to do so. The President had vetoed a bill for imposing a high tariff on British goods. [Sir *Howard Douglas*: The President had not vetoed a bill for imposing a high tariff, but merely a temporary act.] But the object of that temporary act was to levy high duties on British manufactures. And in taking this step the President was relying on the support of the people against the majority of the Congress. He knew that the bulk of the democracy of America was favourable to the principles of free-trade. It was in the power of the British Government now to confirm that feeling of the American democracy. All they need do was to alter their law, and the first steamboat that carried out to America the news that such an alteration was about to take place, would call all the agricultural States of America into action. They would all rally round the President against a high tariff. Here there was an opportunity of really doing a great service to the country; and when they (the Opposition) felt it to be their duty to call the attention of the Government to these things, were they to be told that they were obstructing public business? Or were to be answered only by being reminded that the Premier was punctual and regular in his attendance in that House? In 1826, the American Minister told Mr. Canning that the tariff never would have been passed but for the English Corn-laws, and were the English Corn-laws now done away with, a high tariff would not again be enacted in America. The number of agricultural States had increased since 1826. Michigan, Ohio, and Illinois had since then risen up, and their weight thrown into the scale would suffice to decide the question. There were monopolists in America as well as here, who were opposed to the introduction of free-trade between the two countries; but in America the monopolists would find it vain to make a struggle against the wishes and the wants of the people. But now it was said that the estimates were required. For what? Was it estimates for the militia? And for what did they require the militia? Was it to put down the people during the winter? And then it was to be said that in opposing this they were to be called "factious." But what cared they what names they might be called, when they knew that they were supported by the country? Was, he asked, their conduct to be influenced by the absurd policy of France in shutting out their linens? Ought not, he asked, on the contrary, the prohibition in the one country to induce them to exert themselves in another? And now, having passed the New Poor-law, what a just retribution was this! They had begun the Session by fixing the price of corn by act of Parliament; why did they not also fix the rate of wages? But now that they had passed a law fixing the price of bread—that they had prevented the people from feeding themselves—now that they had done this at the beginning of the Session, they, at the end of the Session, had to pass their New Poor-law amid the execrations of the people, and with some of their own friends backsliding from them. This they did as their only means of giving relief to the poor, when the fact was, that if they took advantage of their situation they might never have an able-bodied pauper, all would be fully employed and all well fed. Stockport, with its miraculous machinery, was standing idle, and yet the people were only to be fed by a new Poor-law, while the raw material for profitable employment was to be found in all parts of the world. This he was sure of, that if those who did this, thought they would lessen the number of the poor in their agricultural counties, he told them that they deceived themselves—that the paupers, within twelve months, would burst through the walls of their unions, if they attempted to enclose them there. The poor, to avoid these unions, now lived like gipsies; but they would return in the winter with habits not improved from their mode of life, to take possession in the New Poor-law workhouses. This, he could assure them, would be found the worthy fruits of such legislation as they had pursued during the present Session. And now he had one word to say to the right hon. Baronet, and he could tell that right hon. Gentleman that the country also had a great deal to say to him. The right hon. Baronet had great power in that House. It was a different thing to have great power in the country. If the right hon. Baronet chose, he might cut off from himself that bigoted section of his followers who acted as a drag-chain upon him. He had heard that right hon. Gentleman greatly complimented. It was said of him that he did not what he would; but only did what he could. This, he said, was an objectionable compliment to a Prime Minister, for there were many on his side of the House who desired to pay a compliment to a Prime Minister, for the next most agreeable thing to receiving a compliment oneself was to be able to patronise a Prime Minister. Now, he would pay no false compliment to the Prime Minister, but he said that he believed he was the only man who could carry out his own views of free-trade without a revolution. The right hon. Baronet wielded the mercantile Conservatives of the country, and if the right hon. Baronet would carry out his own principles of free trade, he promised him the support of the free traders, without any reference to politics or party. The Anti Corn-law League which would support him was not a political body. They cared nothing for one side or the other. If the right hon. Baronet dismissed this House without doing something to restore confidence in the country, there would be confusion in the land before the time of meeting again. Would the right hon. Baronet be guided by the hon. Member for Shoreham, or would he take to his back the whole commercial and manufacturing interest, and gain for himself immortal honour? The right hon. Gentleman must change sides, and that instantly; and if he were taunted for so doing, this would be his answer—that he had found a country in distress, and had given to it prosperity.

The House divided on the question, that the words, "Mr. Speaker do now leave the Chair," stand part of the question,—Ayes 156; Noes 64: Majority 92.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Capt.
Allix, J. P.
Antrobus, E.
Arkwright, G.
Ashley, Lord
Bagot, hon. W.
Baillie, Col.
Baird, W.
Baldwin, B.
Bankes, G.
Baring, hon. W. B.
Barrington, Visct.
Baskerville, T. B. M.
Bentinck, Lord G.
Blackburne, J. I.
Blackstone, W. S.
Boldero, H. G.
Borthwick, P.
Bradshaw, J.
Broadley, H.
Broadwood, H.
Bruce, Lord E.
Buller Sir J. Y.
Burrell, Sir C. M.
Burroughes, H. N.
Campbell, A.
Cardwell, E.
Chelsea, Visct.
Chute, W. L. W.
Clayton, R. R.
Clerk, Sir G.
Clive, hon. R. H.
Cockburn, rt.hn.Sir G.
Codrington, C. W.
Collett, W. R.
Colvile, C. R.
Corry, rt. hon. H.
Courtenay, Lord
Cripps, W.
Damer, hon. Col.
Darby, G.
Douglas, Sir H.

Douglas, Sir C. E.
Douglas, J. D. S.
Duncombe, hon. A.
East, J. B.
Eastnor, Visct.
Eaton, R. J.
Eliot, Lord
Escott, B.
Estcourt, T. G. B.
Farnham, E. B.
Feilden, W.
Flower, Sir J.
Follett, Sir W. W.
Forbes, W.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt.hn.W.E.
Gladstone, T.
Gordon, hon. Capt.
Gore, M.
Gore, W. O.
Goring, C.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Granby, Marq. of
Greene, T.
Grimston, Visct.
Grogan, E.
Hale, R. B.
Halford, H.
Hamilton, W. J.
Hamilton, Lord C.
Harcourt, G. G.
Hardinge, rt.hn.Sir H.
Hardy, J.
Henley, J. W.
Herbert, hon. S.
Hervey, Lord A.
Hodgson, F.
Hodgson, R.
Hope, hon. C.
Hornby, J.
Hughes, W. B.
Hussey, T.
Jermyn, Earl
Jocelyn, Visct.
Jones, Capt.
Kemble, H.
Ker, D. S.
Knatchbull,rt.hn.SirE.
Knight, H. G.
Knight, F. W.
Law, hon. C. E.
Lefroy, A.
Leicester, Earl of
Lincoln, Earl of
Lindsay, H. H.
Litton, E.
Lockhart, W.
Lowther, J. H.
Lyall, G.
Lygon, hon. Gen.
Mackenzie, T.
Mackenzie, W. F.
M'Geachy, F. A.
March, Earl of
Meynell, Capt.
Morgan, O.
Mundy, E. M.
Newport, Visct.
Newry, Visct.
Nicholl, right hon. J.
Norreys, Lord
Owen, Sir J.
Packe, C. W.
Pakington, J. S.
Palmer, R.
Patten, J. W.
Peel, right hon. Sir R.
Peel, J.
Pemberton, T.
Pollock, Sir F.
Praed, W. T.
Pringle, A.
Rashleigh, W.
Repton, G. W. J.
Richards, R.
Rose, rt. hn. Sir G.
Rous, hon. Capt.
Rushbrooke, Col.
Russell, J. D. W.
Ryder, hon. G. D.
Sanderson, R.
Sandon, Visct.
Sheppard, T.
Somerset, Lord G.
Stanley, Lord
Stewart, J.
Stuart, H.
Sutton, hon. H. M.
Taylor, T. E.
Taylor, J. A.
Thompson, Ald.
Thornhill, G.
Tollemache, J.
Trench, Sir F. W.
Verner, Col.
Walsh, Sir J. B.
Wodehouse, E.
Wood, Col. T.
Yorke, hon. E. T.
Young, J.

TELLERS.
Fremantle, Sir T.
Baring, H.

List of the NOES.

Aglionby, H. A.
Aldam, W.
Berkeley, hon. C.
Berkeley, hon. G. F.
Bernal, R.
Bowring, Dr.
Brotherton, J.
Browne, hon. W.
Callaghan, D.
Cave, hon. R. O.
Cobden, R.
Colborne, hn.W. N. R.
Collins, W.
Corbally, M. E.
Cowper, hon. W. F.
Crawford, W. S.
Duff, J.
Duncan, G.
Duncombe, T.
Easthope, Sir J.
Ellis, W.
Ewart, W.
Ferguson, Col.
Fielden, J.
Forster, M.
Hall, Sir B.
Hastie, A.
Hatton, Capt. V.
Hawes, B.
Hill, Lord M.
Hindley, C.
Howard, hon. J. K.
Hutt, W.
M'Taggart, Sir J.
Marshall, W.
Morris, D.
Morison, Gen.
Napier, Sir C.
O'Brien, J.
Paget, Col.
Pechell, Capt.
Philips, M.
Plumridge, Capt.
Protheroe, E.
Pryse, P.
Ricardo, J. L.
Roche, Sir D.
Russell, Lord E.
Scholefield, J.
Sheil, right hon. R. L.
Smith, B.
Tancred, H. W.
Thornley, T.
Troubridge, Sir E. T.
Tufnell, H.
Villiers, hon. C.
Walker, R.
Ward, H. G.
Wawn, J. T.
Williams, W.
Wood, B.
Wood, G. W.
Wyse, T.
Yorke, H. R.

TELLERS.
Gibson, T. M.
Hume, J.

House went into committee of supply *pro formâ*.

Adjourned at a quarter before three o'clock.

HOUSE OF LORDS,

Saturday, July 23, 1842.

MINUTES.] BILLS. *Public.*—1ª· Fisheries (Ireland); Poor-law Amendment Bill.

Adjourned.

HOUSE OF COMMONS,

Saturday, July 23, 1842.

MINUTES.] BILLS. *Public.*—2°· Lunacy.

Committed.—Joint Stock Banking Companies; Designs Copyright.

Reported.—Grand Jury Presentments (Ireland).

3°· and passed:—Manchester, Birmingham, and Bolton Police.

Private.—3°· and passed:—Lord Lorton's Estate; Calland's Estate; Duke of Bridgewater's Estate; Lord Southampton's Estate; Verconsin's Naturalization; Pilkington's Estate.

Adjourned.

HOUSE OF LORDS,

Monday, July 25, 1842.

MINUTES.] BILLS. *Public.*—1ª· Manchester, Birmingham, and Bolton Police.

2ª· Exchequer Bills Preparation; Licensed Lunatic Asylums; Ecclesiastical Jurisdiction; Customs' Acts Amendment; South Australia.

Committed.—Mines and Collieries; Linen Manufactures (Ireland); Prisons.

3ª· and passed:—London Bridge Approaches Fund;

New South Wales; Military Savings Banks; Chelsea Hospital; District Courts and Prisons.

Private.—Reported.—Southwark Improvement (No. 2); Duke of Buckingham's Estate; Hele's Charity.

3ª· and passed:—Sewell's Divorce.

Petitions Presented. By the Earl of Ripon, from Marylebone; by the Earls of Wicklow and Clarendon, and the Marquess of Clanricarde, from Miners and Colliers of Thornley, Kirkburton, Thornhill, Lepton, and Whitley, Breistfield and Emley, and Middleton and Thornhill Edge, in favour of the Mines and Collieries Bill.—By the Earl of Clancarty, from Ballinasloe, against any further grant to Maynooth.—From John Turner, not to appropriate Grants for Musical Education to any System.—From St. Mary's, Truro, and from Houghton-le-Spring, against parts of the Poor-law Amendment Bill.

Public Education.] The Bishop of *London* presented a petition from a gentleman of independent fortune, named Turner, who stated, that he had anticipated the system of vocal instruction, adopted by Mr. Hullah, and humbly prayed, not for any sum by way of compensation, but that in any future grant, which might be made for the encouragement of vocal education, regard should be had to the efficiency of the plan, rather than to the claims of any individual. He did not mean to pronounce an opinion one way or the other: but he should take this opportunity of asking two questions of the noble President of the Council, whose speech on the subject of education had, as might be expected, occasioned a considerable sensation throughout the country. There were one or two points in that speech which he was desirous that the noble Baron should have an opportunity of giving his opinions upon more precisely and closely than he appeared to have done on a former occasion. One related to his allusion to the grants made for the promotion of education in the National Society and the British and Foreign School Society. The noble Baron stated, in rather strong terms, that he should feel it his bounden duty not to make any distinction between the Members of the Church and the Dissenters on the subject of education. He did not understand the noble Lord to say, as an abstract proposition, that he saw no difference between the two, so far as education was concerned. Undoubtedly, if he understood the noble Lord in that sense, as a minister of that Church, he should have felt bound early to protest against such a conclusion, because the Church of the country was entitled to claim the instruction of the people, though it did not assert the right to teach the children of those who differed from it. It might be a question, what provision should be made for the education of those children who did not belong to the Church? The whole subject of education had been discussed with considerable warmth some years ago in that House, and a mode of regulating the national schools, and those of Dissenters, was then agreed to, to which he understood the noble President of the Council, the other evening, to declare his intention of adhering. That was the sense in which he took it—the phrase "equal terms," were used, and to that he could have no objection, for he acquiesced in the original plan. He wished to know, then, whether he rightly interpreted the noble Lord's statement? The second question he wished to put, related to the instruction given at Exeter-hall. He was a subscriber to the system of vocal instruction adopted there, and he should persevere in promoting its success. But he understood, that lectures were given there also in the mechanical parts of education, and in linear drawing. Now, he confessed that the addition of other branches of education excited in him, and in others, some apprehensions, not as to which might now occur, but as to the results to which it might possibly lead, because one species of instruction might be added to the other, and a normal school being once established, without any religious instruction being provided by the Government, to retrace our steps would be impossible, and the question of religious instruction might be practically decided against it. On the information he had received, he doubted, too, whether the instruction given was really beneficial, so far as the object of the national education scheme was concerned. He was informed, that very few teachers attended the lectures he had alluded to who belonged either to the National Society, or to the British and Foreign Society. The attendants at the lectures were teachers of Sunday schools and mechanics—classes, no doubt, for whom it was very important that such instruction should be given, but who were not the parties contemplated in the original scheme for teaching masters. The question he wished to ask on this point was, whether the committee of the Privy Council, which represented the Government, had any intention of acknowledging the formation of a normal school without any religious instruction?

Lord *Wharncliffe:* The right rev. Prelate had interpreted most correctly the meaning of the expressions which he had used on a former night. All he meant to say was, that he should be unfit for the office which he occupied, if he were to favour a far different distribution of the grant for education from that acted on by his predecessor. Now, as to the classes at Exeter-hall, he must confess, that their formation seemed to be viewed with a degree of jealousy, for which he could not account. He could not help thinking, that the object of those classes was much misunderstood. Their Lordships knew, that by recent discoveries, reading, writing, and drawing could be taught in a simpler method, and in a much shorter time than they could be acquired hitherto. It appeared to those having control over this institution, that masters should be instructed in these improved methods of teaching. Classes for reading, writing, and linear drawing were formed on the synthetical method, as it was called. They were at first frequented by none but schoolmasters, but in a very short time it was found that mechanics, shopmen, and even those in a higher situation in life, were anxious to obtain the information which was afforded. When such men could not read or write, or were bad accountants, it was not wonderful that they should adopt a method of learning which afforded them such advantages, at a much cheaper rate, and in a shorter time than they could formerly have procured them. But how such a practice could militate against religious education, or how it was to be inferred from its adoption that a normal school was about to be established for teaching the people every thing without religion, he could not divine.

Conversation at an end.

MINES AND COLLIERIES.] The Earl of *Devon* moved, that the Mines and Collieries Bill be re-committed.

Lord *Brougham* presented himself thus early to their Lordships' attention, to state his opinions on this bill, rather with a view to further measures of a like kind which he understood were contemplated, having been prevented from taking part in the earlier discussions by accidental circumstances. Some persons argued that this bill went too far; others that it did not go far enough, (he meant as it was altered by their Lordships); while a third party contended that it exactly hit the just line which should be taken in framing such a measure. He was quite willing to bear testimony to the pure spirit of philanthrophy which characterised the noble Lord who introduced this bill into the other House of Parliament: and whom to praise would be superfluous, for none have presumed to utter a whisper against him. It was probable that that noble Lord might be right in supposing that if the whole matter had been referred to a committee, a smaller change would have been made in the bill than had actually been effected; but it was also possible that the results might have been of an opposite kind. It was impossible for him, occupied as he had been daily with judicial business here and elsewhere uninterruptedly since the time when the report of the commissioners was published, to be conversant with the 2,000 pages of that report, and he believed that their Lordships in general had not had sufficient time well to consider the great mass of evidence which was collected; but he also believed that there were in that evidence some facts, the truth of which could not be denied, facts which would warrant them in passing a part at least of the bill without further inquiry. But would their Lordships suffer him to comment for a little while upon the course of legislation into which they were about to enter? There was nothing more easy, and there was nothing more natural, than when any evil practices were revealed to exclaim at once "This must not be," and to demand a law to punish them, a proclamation to denounce them, or it might be a standing order to put them down. But as there was nothing more difficult than legislation, so there was nothing which demanded greater degree of circumspection and caution; in proportion as the future is veiled from our eyes, so ought we to point them the more earnestly in all other directions, fixing them upon the present and the past; and if it was so in all cases, if it was necessary to exercise this caution and this circumspection at all times, it was emphatically and most necessary to exercise these faculties when called upon to legislate upon a no less important, delicate, and difficult subject than that of the employment of the labouring classes of this country. As a general principle, he thought nothing should be done by means of legislation to draw out of their usual channels, out of those channels into which they would naturally flow, capital and labour, forcing and seducing them into other channels which they do not naturally seek. He did not say that there were no exceptions to this rule. If any kind of employment amounted to an offence, to a crime, then it became the duty of the Legislature to interfere. Upon grounds like these, Parliament had interfered with what was called a trade, but which was in reality a crime, the slave-traffic. In like manner, after still further inquiry, after still longer and wholly inexcusable delay, it was admitted at length that no man possessed a right to hold property in the persons of his fellow-men, and the holding of such property was prohibited, but with an ample compensation to those whom the change in the law affected. But if any species of employment which was not actually criminal, was yet immoral in its nature, or even if it had a manifest tendency to produce immorality, it was also the duty of the lawgiver to interfere and to prohibit its existence. Everything, however, in the latter case depended upon degree, upon whether that tendency was certain, direct, and immediate, or not; a remote, and uncertain tendency was not enough to justify interposition; but upon these grounds, and within the scope of these principles, he was disposed to maintain that one part of this bill, that relating to the employment of female children, should be an exception to the general rule which he had laid down with reference to the inexpediency of drawing and still more of forcibly repelling capital and labour from their natural channels. But they should take care not to be led away by feelings of humanity however natural in themselves, and however honourable, in considering this measure. If the operation of a species of labour should be found prejudicial, manifestly and certainly prejudicial to certain classes of the community, possibly an exception might also be made in that case to the general rule which he had referred to. But it became them to consider in what way such a trade or employment was pernicious. If it was merely disadvantageous to the interests of the persons concerned in it, in a temporal point of view, if we thought that the persons employed in such a trade might earn more, or might be better off, by engaging in another, in that point of view legislation had no right whatever to interfere between them and their occupation. Their interest was their own affair. With reference to the effect of trades on health, it was, he much feared, the lot by which men lived that they should earn their bread not only in the sweat of their brow, but by the wear and tear of their constitutions. It was as lamentable as true that many employments there were, not healthy any more than easy, and he was almost afraid to think of the vast number of instances in which the labouring classes were and must be employed in trades which tended directly to injure the constitution, to engender disease, to inflict suffering, and to shorten life. The subject was a painful one, but he was forced upon its consideration, not so much by the particular measure before the House, as by measures of a similar tendency, which he was confident would spring from it, which he was sure were lurking in its shade, and it became their Lordships to meet the subject betimes. How many unwholesome trades were men engaged in, trades for examples the effects of which paralysed the limbs, such occupations as those of the painter, in which white lead was used, or that of the brazier, which occasioned partial disease of a paralytic kind, or those trades in which steel filings were diffused through the atmosphere, giving rise to asthmatic complaints. Again, let any man go amongst the peasantry, and examine the difference between the husbandman who had passed his life in hard labour up to the time of, perhaps, forty-five years of age, and the man of sixty-five or even seventy, who had passed his life in the ordinary pursuits in which men of their Lordships' station in society were generally engaged. Let any man compare the two classes; in one case he would put the peasant of forty-five or fifty down for seventy years of age, and in the other case he would be likely to fix the age of the gentleman of seventy at from forty-five to fifty years. It would be said that workmen pursued these exhausting and injurious occupations with their eyes open; that they had the management of their own time; that they, knowing their callings to be unhealthy, yet voluntarily chose to enter upon them; and that, therefore, the Legislature ought not to interfere with them. But the case of children, it might be admitted, was different. They required protection. They could not judge for themselves. They were put, by the indifference of their parents, or by worse feelings, by their sordid propensities, into those occupations in which their health was injured, their education, their moral and intellectual training utterly neglected. But this consideration would not bear out the argument involved in measures like the bill before the House; for if it be granted that persons must be found willing to enter into occupations unhealthy in their nature, such as those which he had mentioned (and he might cite worse cases than he had named, as those of men who worked in glass-houses, and attended furnaces), if it was admitted that the Legislature could not or should not interfere with such occupations, then he averred that a certain inference followed, and which could not be escaped, and this was, that to a certain degree comparatively young persons must be allowed to enter into those employments. There were many such occupations the duties of which could not be learned unless young persons began at twelve or thirteen years of age to be initiated into them. Therefore these unwholesome trades, if they were to be exercised at all, must not only be exercised by men, but by youths under the age of twenty-one, nay, under the age of seventeen or eighteen. This argument might be held to apply to boys of ten years of age and upwards, but he believed that it ought not and did not apply to children of more tender years. But when, under the guidance of natural and humane feelings, they were entering upon this field of legislation, it was very fit that they should look about them to see how wide that field was, and to reflect, before they set out, how far they proposed to advance into it. He would, in entering upon this consideration, first of all, remind their Lordships that they were making laws to bind the labouring classes of the community, and not intended to affect the rich. They were rearing up a power to attack not the strong but the weak, not to control the great, but to crush the feeble, and let them take very good care that they did not subject themselves to the well-grounded imputation which had been made against almost all legislators, in every age and in every country, that they were very apt to forge fetters for the humble, but only to cast a gossamer over the powerful. Such had been the saying of the wise man to whom his noble Friend (Lord Melbourne) lately referred; it was in substance the saying by which Solon was known among the ancient sages. Now they were dealing with the weak, and it became his duty to remind their Lordships of some circumstances which seemed to have escaped their attention. Nothing could be more miserable, nothing more to be deplored, than the destitution, in all means of instruction, which prevailed in mines; nothing could be more lamentable than the conduct of parents to children in those mines, and nothing was more to be desired than well-directed efforts to put an end to the scenes sometimes witnessed in them. But the colliers were not the only parents whose conduct towards their children was extremely to be lamented, and much to be blamed. It was bad, it was lamentable, to see children carried at a tender age to the mine, and there made to crawl through damp caverns, and crawling to work for a greater number of hours than their strength permitted, and then to be sent home in a state of mental and bodily exhaustion, perhaps to a scanty meal, and certainly fit only for sleep; but this, bad as it might be, was not much worse than the cautious provision which was made by some parents in order to stunt the growth of their children, to prevent them from attaining a certain stature with the due proportion of their strength, lest they should also attain a certain weight. This was done in order that they might, when arrived at manhood, only attain a certain small size, and, consequently, a certain light weight, and then these unhappy wretches, old before their time, these stunted creatures, after performing the services of those who hired them, and caused them to be so tortured and trained, died without ever reaching anything like old age, and during their lives never had anything like a healthy constitution. He spoke of these matters of course not from practical experience, but he stated what from the reports of such of their Lordships as were practically conversant with the subject, he believed to be true. Again, was there anything more certain than that the most wholesome nutriment a child could receive was that with which bounteous nature had furnished its mother—was there anything more certain than that by withdrawing this natural food, you entailed the absolute necessity of bringing the child up in a less wholesome manner?—was there anything more certain than that children, for want of their mother's nursing must often perish before their time?—was there anything more certain than that this was an unnatural and a mischievous departure from the duty of a mother to suckle her own child? But did he blame those poor women who handed over their infants to the care of a foster-mother, in order to get advantageous places for themselves? Did he blame this? No, he lamented without blaming it, but he could not close his eyes to the fearful extent of the evils produced on the bodies and minds of children, and he would add, on the minds and feelings of the mothers too, by that system which was now freely practised by parents among the working classes, when opportunity offered, of not suckling their own children, in order to be employed in suckling the children of those in easy circumstances, and especially in that rank of life to which their Lordships and the Members of the other House of Parliament belonged. Sure was he that if commissioners were empowered to inquire into the nursing of children and their removal from their mothers, they could produce with half the skill and diligence employed by the mining commission, a report, which would trace most frightfully a picture of the consequence of the practice. If such report were presented, and if, in consequence of what it was quite sure to recommend, any one were to bring in a bill for prohibiting such practices, and were to get that bill hurried through the other House, he was confident that nine-tenths of the measure would be rejected in their Lordships' House. It might be feared, that in such an event, it would cross the minds of many how ready the two Houses were to interfere with the working classes, but how apt they were, when practices were denounced in which they themselves were sharers, to turn a deaf ear to the denunciation. Would it not be said they were great dealers in cheap virtue?—a commodity which, unlike all other commodities, was more in demand the less difficult it was to procure; and although in great vogue and much request, was of little cost, and less value. But their Lordships, he trusted, would never deal in that worthless commodity more largely than was absolutely necessary, or be forward to display that species of vicarious courage which dared to encounter risks in the persons of others, and bore with patient resignation sufferings that could never be known or felt. When a case attended with circumstances such as are now described was brought before them, he thought that they should weigh well all the considerations to which he had adverted, and the effects which they were likely to have on the character of the Legislature, among not rash and unthinking, but intelligent and reflecting persons. He did not say that it was wrong to prevent the employment of young children: and where there was a case of outrage to morals, or even to delicacy and to feelings, the matter was, of course, clear; he repeated that it was not improper to interfere for the protection of young children, as they had already done in the cases of chimney-sweepers and factory children; they were right in such cases to interpose, but, in doing so, let them be very cautious of interfering between the parent and the child. Nature had implanted deeply, the strongest feelings in that connection, and if they attempted to make acts of Parliament more tender towards children than the cherishing affection of mothers, let them rely upon it that not only they would fail, but they would not fail with impunity; they would not merely fail to provide a better substitute, but they would destroy the natural agent; the provision of any poor substitute for the tenderness of a mother, could not but lead to the deadening of that primary natural sentiment, so deeply seated and so strongly felt. He hoped that the cautions which he had thrown out, would not be forgotten in legislating upon the subject. To the bill as amended in this House he offered no objection; but he entreated their Lordships to bear in mind the cautions he had ventured to suggest, when they were again called upon to deal with such subjects.

The Marquess of *Londonderry*, was understood to speak nearly as follows. He must, at the beginning, express the great pleasure with which he had listened to the speech of the noble and learned Lord who had just sat down. That noble and learned Lord had argued the question in a straightforward manner with his usual ability; and had made several observations well worthy of their Lordship's attention. He regretted, however, that he should again have to present himself to the attention of their Lordships on this subject, but he had a duty imposed upon him, from which he felt it impossible to shrink. He must first offer a few observations on the general alterations which had been made in the bill. In the bill as originally introduced into the House of Commons, it was provided,

"That after six calendar months from the passing of this bill, it should not be lawful for any owner of a colliery to employ any female person."

The alteration made by their Lordships was,—

"From and after the 1st day of March, 1843."

In fact, the bill was so completely changed, that the only clause which stood the same was that relative to the appointment of Government inspectors. As the bill, therefore, would not come into operation until 1843, was there not ample time for some further enquiry. With regard to the report which had been laid on the Table, and which contained 2,000 pages, he must object to the railway pace with which the evidence on which it was founded had been prepared. He must mention one curious fact in relation to this report, and that was, that copies had been sent into the country for the purpose of obtaining the favourable comments of the press before it was laid on the Table of their Lordships' House. The noble Lord, the President of the Council, who was certainly a coal-owner, but who could not be said to be the organ of the coal-owners of the North, said that those gentlemen did not object to the Government inspectors. He believed he might have the honour of considering himself the organ of the coal-owners of the North, and to prove that the noble Lord President had not been correct in his impression, he would read the following resolutions of the committee of coal-owners, dated the 23rd of July. That document was as follows:—

"*Coal-Trade Office, Newcastle, July* 23, 1842.

"Meeting of the committee—Robert William Brandling, esq., in the chair.

"Resolved, That the committee return their best thanks to Lord Londonderry for his kind communication of the 16th instant, and acknowledge with feelings of gratitude the unwearied exertions of his Lordship to promote the interest of the trade at large by rendering the bill for the employment of persons in mines comparatively innocuous, and though unwilling to give his Lordship any additional trouble—

"It is further resolved, That he be respectfully requested again to urge in the House of Lords the entire omission of the clause, appointing inspectors, the parents being employed with their children, and the existing power of the magistrates having been found sufficient to afford all necessary protection to both parties. But, should his Lordship be unable to exceed to that extent, that it is very desirable, that the words scored under in the returned copy of the bill should be omitted, for the reasons stated in the margin.

"ROBERT W. BRANDLING,
Chairman.

His noble and learned Friend (Lord Brougham) had very truly observed, that if Parliament once began legislating for this trade, that other trades would soon be attacked also. He concurred in that opinion, and if this measure passed, he had no doubt a similar one would be soon introduced affecting the iron trade, and when this species of legislation would stop nobody would be able to tell. Its mischievous nature had been well described in the following article from one of the public prints (*The Sun*), to which he would call the attention of the House:—

"In the course of a pretty long experience we have seen so many laws, passed from the most benevolent motives, turn out complete failures, that we are no longer susceptible of being seduced by temporary expediency to forsake general principles. It has been established, for example, by a wide induction, since writers began to observe and classify political facts, that the interference by law with the application of individual industry is invariably mischievous. That principle is agreeable to the theory of Government, which is constituted not to direct the labour of any part of the community, except that which is employed in the public service, but to protect the rights of individuals. Add to these general facts the particular fact, that our Legislature is almost exclusively composed of opulent and leisure classes; that no mere manual labourer has any share in it; that a very small proportion indeed of the manual labourers, even concur in electing the law-makers; and there is a strong case established against the interference by such a Legislature with the industry of the people, in any shape or form. It seems to us also a necessary consequence of the Legislature undertaking to regulate any one particular class of labourers, that it becomes bound to regulate the whole. Our system of production, by which society is sustained, is one of great combination or division of labour,—the weaver depending on the spinner, the spinner on the steam-engine, and the steam-engine on the coal-hewer; and the legislator who undertakes to regulate a part must, if he can, regulate the whole. The chances are, as he really knows nothing, and can know nothing, of a system which is obviously in progress of development with population, that he will inflict on the whole a serious injury. The assumption of regulating any one part constitutes the legislator the judge of what employments are proper and what improper, and how much or how little time individuals should be engaged in them. If there be one needless and unwholesome occupation in society, on that principle the legislator is to blame."

He must again entreat the House not to pass this measure without some further consideration. Those persons who were most competent to give opinions had not been examined, for none of the overmen or viewers had been examined. The statements in the digest were altogether exaggerated, and in proof of this he would read a letter which he had recently received, which he thought was important as to the employment in collieries generally. The letter was this:—

No. 8, Park-place, Bayswater.

"My Lord—For the first time in my life, in word or deed, have I intruded myself on any measures passing through either Houses of Parliament; but seeing from report that your Lordship's opinions and my own correspond in a great degree upon the Colliery Bill, I am disposed, and I hope your Lordship will not think me presumptuous in doing so, to give a few remarks from experience in a practical way; and I am induced thus to step out of my way, from the extreme feeling made upon the Houses of Parliament by the reports of certain commissioners of inquiry into the cruelty and hardships of boys being worked in mines under thirteen years of age—leaving girls or women out of the question, for that is disgusting, nor did I ever see either down, even in a coal mine, in my life, in our part of the country, North Staffordshire. Having commenced, I feel, my Lord, I am going too far for such an humble individual to trespass on your Lordship's time; if so, cast it away, my Lord. I will state, my Lord, my pretensions for addressing your Lordship. I was employed in thin seams of coal from eight years of age until I was fifteen, and my forefathers before me, all of whom are gathered to their fathers. Therefore, I have no interest beyond that of humanity; and I will fearlessly state, that there is no employment more healthy, in well-ventilated and drained mines, than that of colliery, although nearly all to a man in both Houses of Parliament scoff at the assertion; but I can prove facts, and the parish register of Cheadle in Staffordshire, shall bear me out. I will mention but three, out of some hundreds. My grandfather died at eighty-four; my father's eldest brother, eighty-five; my father, eighty-three, who worked in the mines from six years of age up to their death, except my father, who it pleased Providence to enable his children to soothe his declining years, by keeping him from labour. I am induced to say this from a firm conviction that if this bill passes in its present shape, that it will entail misery upon thousands of families; and if such a law had existed when I was a child, I should have been a collier now; for, being enabled at an early period to obtain our own living, we were able to pay the schoolmaster, and make a tidy appearance. I have only seen the garbled account of the report of the commissioners, as it appears in the papers, and I am foolish enough to think that I could dispel one half of it, to the satisfaction of any dozen Members of either Houses of Parliament, in one hour. I left the mines at fifteen, and have passed my time in this metropolis since 1807, and cease to have any interest; but early impressions are so strongly impressed upon my mind, that it has induced me to obtrude myself upon your Lordship's notice; and if I have not done so in a manner becoming your Lordship's exalted rank, I trust your Lordship will attribute it to its true source, namely, my not being accustomed to correspond beyond my own sphere of life.

"I am, my Lord, your Lordship's most obedient servant, "Wm. Plant.

"The Most Noble the Marquess
of Londonderry, &c. &c"

In the year 1843, when the bill was to come into operation, all these women would be thrown out of employment. What was to become of them? He must say, that practical benevolence was more praiseworthy than mistaken humanity. The question altogether had not received the consideration which it deserved, and he thought, that the Government ought to have expressed some decided opinion on the subject. He contended, that one direct effect of the bill, if passed into a law, would be to increase the Poor-rates to an enormous amount. It was stated, that the result of the bill would be favourable to the morality of the persons affected by it. It might be so, or it might not; and he was an advocate of morality in all its forms. But he would ask their Lordships whether such an uncertainty as contingent morality ought to be purchased at the fearful price of beggary and starvation. He would read to their Lordships an extract to that effect:—

"If, however, the bill does pass, none will, I suppose, doubt the result as to the Poors'-rates, if families are now supported by their labour, and by an act of Parliament they are deprived of that labour, a substitute must be found in the shape of excise or increased rates. Can these be desirable, and yet they must, to all intents and purposes follow, as to attempt to seek the means of existence elsewhere, crowded as every spot is, would be madness, fallacious. See then the blessed effect of the change—the price to be paid for the purchase of 'moral' feeling. Morality is all very well; but will it flourish in beggary and starvation?"

He concluded with a perfect conviction, that the House of Commons could not pass the bill before their Lordships in the shape in which it was put by the noble Earl who introduced it, and, therefore, he should move that it be referred to a select committee.

The Earl of *Devon* thought a great part of the speech of his noble and learned Friend opposite was a good argument in favour of the present bill, for the exceptions introduced by his noble and learned Friend, to the general rule of non-interference, distinctly applied to the present bill. Did not their Lordships see that the state of things which consigned women of all ages to work in collieries with men, almost in a state of nudity, must have a direct and immediate tendency to promote vice and immorality? The employment of young children, inasmuch as it precluded any attention being paid to their education, also constituted an exception to the general rule of non-interference. It was the duty of the Legislature to interfere to prevent the demoralization of the rising generation. He had no wish to contravene the principles of political economy, but there were higher duties than any that political economy could teach. They had to take care that none of their institutions should be conducted so as to destroy the mind of the infant child, and it was of the utmost importance that children should be so brought up as that hereafter they might become good citizens and good men, and to neglect to take measures to secure this, was to commit not only a great moral crime, but a great political mistake. He had naturally expected that the noble Marquess would have pointed out those parts of the bill on which he thought there was any doubt, and on which, therefore, further inquiry might be necessary; but he would ask if there was any fact on which this bill was founded on which the noble Marquess had thrown the slightest doubt? He contended that he had not. There could be no doubt but that women were employed in the mines, and if they were thrown out of employment their places would be supplied with men, who were more fit for that sort of work. Unless the noble Marquess could get rid of the fact that women and children were employed in the mines he could do no good by referring this bill to a select committee. He believed that he had not, by altering the bill, committed the suicidal part that the noble Marquess had supposed. On the contrary, he thought the bill would be well received elsewhere, and that the promoters of it would be of opinion that he had exercised a sound discretion in introducing those alterations. If a small increase in the price of coal, or a small diminution in the profits of the coal-owner, should be the result of this measure, it would be a cheap price to pay for getting rid of so much misery. The House of Commons had been accused of legislating hastily on this subject; he thought the House of Commons had only done its duty in bringing forward the measure in the manner it had done, and he trusted their Lordships would reject the amendment.

Lord *Brougham* had not argued this question on the grounds of political economy at all, but on the ground of the injustice of interfering between the labourer and the manner in which he might choose to employ himself, and of interfering with the control exercised by the parent over the child. He felt they ought to be extremely temperate in their reprehension of the labouring classes, respecting the employment of their children in various occupations and employments, when they recollected the manner in which those classes were induced, and almost forced to do so, both by their circumstances and by the conduct of the higher classes.

Lord *Hatherton* said, that although he had formerly submitted a very similar proposition to that of the noble Marquess, he could not now give his vote in favour of the amendment, inasmuch as the bill had undergone modifications which removed the greater part of the objections he originally entertained to it.

The Earl of *Galloway* remarked that the petitions against the measure all admitted the facts on which the bill was founded.

The Earl of *Radnor* said, the noble Earl's observation was very true, but it was no argument in favour of the passing of the bill. Women and children might be employed in collieries, and might be improperly or indecorously employed, but the condemnation of the system, or even the desire to put an end to it, was not altogether a sufficient ground for passing an act of Parliament to carry out such a desire. In fact, in all such cases it was found in the long run, that the evils of the system worked out the remedies without legislative interference. In this particular instance they had an old practice, and a practice which was on the decline; on what ground, then, were they all at once to step in and to legislate to stop the evil? It seemed to him, that the chief argument in favour of this bill was, not the hardship of the system, but its indecency. Now, if they began to legislate for the purpose of checking what was indecent or indecorous, they might cut out for themselves more work than they would be able to perform. The sexes mingled indiscriminately in cottages above the earth as well as in coal pits under it, and really, if they began to pass acts to check immorality in the pits, they ought also to pass acts to regulate the building of cottages, so that a number of men and women should not sleep in the same room. But with regard to the question of immorality, the evidence went to show, that it was by no means so great as was by some alleged. Four clergymen declared, that the immorality was not so great in the mining as in the manufacturing districts; and one of the four went so far as to say, that, setting aside the drunkenness, it was not so great as in the agricultural districts. Another reason for delay was, that the commissioners had promised another report, which was to have reference to the influence of the colliery system upon the morals of those who were subjected to it, and he thought it would be more prudent for their Lordships to defer legislating on the subject until they received that report.

Their Lordships divided on the question, that the bill be re-committed:—Contents 49; Not-Contents 3;—Majority 46.

Bill recommitted.

On the first clause,

Lord *Beaumont* moved the omission of that part of it which prohibited the employment of women under eighteen years of age in mines or collieries from and after three months from the passing of the act. He thought they should be placed on the same footing as the other females, and that the discontinuance of all should take place at the same period—namely, the 1st of March. His object in moving this omission was to afford a sufficient time to those women (which three months was not) to qualify themselves for some other species of employment, and at the same time to bring them over the winter, lest during that period they might be driven by want to crimes of a deeper die than those committed in the collieries.

The Marquess of *Londonderry* suggested, that the period of six months be substituted for three, as he had no hopes that the longer period of nine months would be agreed to. His suggestion would meet the object of the noble Baron.

The Marquess of *Clanricarde* objected to both amendments, as he was desirous of seeing the employment of women in collieries put an end to at once. The suggestion of the Marquess of Londonderry was put in the form of an amendment, and negatived without a division. On Lord Beaumont's amendment being put,

The Earl of *Wicklow* objected to it, that it would partly defeat the object of the bill.

Amendment negatived.

Lord *Lyttleton* then moved as an amendment the substitution of the words, "1st of May" for "1st of March." The noble Lord stated the object of his amendment was to allow the females more time to procure other employment, and to discharge them from the mines at the most advantageous period of the year.

The Earl of *Devon* thought, that the sooner the arrangements were carried into effect the better. He opposed the amendment.

Amendment negatived.

The Earl of *Dunmore* moved a proviso, allowing females of twenty-one and upwards to continue working in the mines, if unmarried. He considered, that the clause as it stood would be injurious both to the females who would be thrown out of employment, and to the lessees of mines who were under fixed engagements, entered into in the belief, that the existing state of things would continue.

Lord *Campbell* opposed the amendment; the sooner the females were rescued from their degraded position the better; even a workhouse would be preferable to the slavery of the mines.

The Marquess of *Londonderry* supported the amendment, on the ground that a gradual change was better than a sudden one.

Lord *Hatherton*, though generally he might have approved of the object of the amendment, could not vote for it, because it excluded widows who had children dependent on them for support.

Amendment negatived.

Lord *Skelmersdale* proposed a proviso to allow any female of forty years of age or upwards, who had been accustomed to work in mines or collieries, and shall be doing so at the time of the passing of the act, upon making a declaration before a justice of the peace (not being a mine-owner), that she has attained the above age, and that she makes the declaration of her own free will, and wishes to continue to be employed in the mine or colliery, so to continue.

The Earl of *Devon* objected to the alteration, and he had less difficulty in doing so as the number of such females could not be large.

Lord *Colchester* supported the amendment. The smallness of the number did not lessen the individual hardship of each case.

The Earl of *Wicklow* opposed the proviso, which he thought was calculated to let in more evil than it would do good. It vitiated the principle of the bill, and would undoubtedly cause it to be rejected in another place.

Committee divided, on inserting the proviso. Contents 15; Not-Contents 29:—Majority 14.

Clause agreed to.

The Earl of *Mount Cashel* thought, that boys of ten years of age were too young to be worked in the pits. Working them so young, had the effect of stinting their growth. He moved, that "twelve years" should be substituted.

Lord *Hatherton* said, nine years of age had been universally insisted on by the delegates from the coal-owners.

The Earl of *Galloway* said, thirteen years of age was originally proposed, and he regretted, that this age had not been adhered to in the bill. He could never be persuaded, that children were so healthy or well-educated when worked in a coal-pit at this age, as when allowed to run about in the open air.

Amendment negatived.

Clause agreed to.

The Marquess of *Londonderry* objected to the particular supervision given in the 3rd clause to the inspectors to be appointed. He moved an amendment, that words be substituted to the effect that the inspectors be required to report generally whether the provisions of the act were followed in the mines which they had to inspect.

Lord *Wharncliffe* proposed a similar amendment in a different form; otherwise, under the bill as it stood, the inspectors would be authorized to inquire into the management of many things about which they had no business.

The Marquess of *Londonderry* concurred in Lord Wharncliffe's amendment, and withdrew his own.

Lord *Skelmersdale* hoped, power would be given by the bill to inspectors to compel coal-owners to lower them into and out of the mines, otherwise they might go to the pits and be refused to be let down.

Amendment agreed to.

The clause, as amended, agreed to.

The other clauses agreed to.

Bill, with amendments, reported to be read a third time.

Adjourned at eleven o'clock.

HOUSE OF COMMONS,

Monday, July 25, 1842.

MINUTES.] NEW MEMBER. John Campbell Colquhoun, Esq., for Newcastle-under-Lyme.

BILLS. *Public.*—1°. Bankruptcy Act Amendment; Dublin Boundaries; St. Asaph and Bangor Preferments; Western Australia.

3°. and passed:—St. Briavel's Small Debts; Stamp Duties; Game Certificates (Ireland); Grand Jury Presentments (Ireland); Joint Stock Banking Companies.

Committed.—Court of Exchequer (England).

Reported.—Ordnance Services; Bonded Corn No. 2); Lunacy.

Private.—1°. Sewell's Divorce.

Reported.—Birmingham School.

3°. and passed:— Marquess of Tweedale's Estate; Mostyn's Estate; Joint Stock Banking Companies.

PETITIONS PRESENTED. By Mr. Campbell, from Burghs and Parochial Schoolmasters of the Presbytery of Islay and Jura, for ameliorating their condition.—By Mr. Wyse, from Members of the Shropshire and North Wales, and Bath and Bristol Medical, and Surgical Association, for Medical Reform.—From the Bakers of Waterford, for regulating the Working Hours of Bakers in Ireland.—From Joseph Mainzer, for a site to erect a School.—By Mr. Litton, from the Gunmakers of Ireland, for Regulating their Trade.—From Arthur Bushe David Plunkett, and Christ. Antisell, for Compensation.—From Castlederg Union, complaining of the conduct of the Poor-law Commissioners with regard to the Building of the Workhouse.—From the Union of Creagh Ballinasloe, for an Inquiry into the course of Instruction pursued at Maynooth.—From W. H. Stuckey, for Inquiry into his plan for supplying the Metropolis with Water.—From James Price, for the Abolition of Church Rates.—From Wm. Hammond, complaining of the Assignees of the Insolvent Debtors Court (Ireland).—From T. R. Wilson France, against extending a County Courts Bill to Lancaster.—By Mr. Beckett, from Leeds, for Inquiry into the Distress of the Manufacturing Districts.

EDUCATION.] Sir *R. Peel* said, he would now answer a question which the noble Lord opposite put to him the other night, with the view of ascertaining whether it was the intention of the Government to propose an additional grant for the purpose of education. He found that the funds placed at the disposal of the Education Committee were nearly exhausted, and he, therefore, intended to propose a supplemental estimate of 10,000*l.*, which would be distributed in precise conformity with the minutes of the Privy Council, which were drawn up after consultation with the Archbishop of Canterbury and the Archbishop of York.

Viscount *Palmerston* wished to know whether any of the 10,000*l.* would be applied to the encouragement of the classes at Exeter-hall, from whom the right hon. Baronet and the president of the council had presented petitions.

Sir *R. Peel* replied in the negative. Applications for aid had been made from classes in several large towns, as well as from those at Exeter-hall. The subject required consideration, and he was not now prepared to state whether the Government would propose an additional estimate for the singing classes.

RIGHT TO HOLD PUBLIC MEETINGS.] On the question that the Order of the Day for the Committee of Supply be now read,

Mr. *T. Duncombe* rose to renew the motion of which he had given notice some time ago, and which he had postponed at the request of the hon. Member for Stafford and the Secretary of State for the Home Department. The observations of the right hon. Baronet on that occasion had been read with much astonishment and surprise by the persons interested in the fate of the unhappy men who were now suffering in Stafford Gaol. The trial took place on the 2nd of the present month, and they were immediately sent to prison. A petition and memorial were immediately forwarded to the Home Office on the 13th, and on the 16th a reply was received which purported to be written by the direction of the Home Secretary; and yet when questioned upon the subject in the House, the right hon. Baronet said, he had never received any memorial, and, of course, had caused no reply to be written to it. Considering that the present Government had taken credit to itself for "never making mistakes, never stumbling over stones, or falling into puddles," this contradiction certainly appeared very extraordinary. It would seem that the business of the public departments was not conducted in a more accurate manner under the present than it was under the late Government. If Lord Normanby had happened to have made the declaration of the right hon. Baronet, with respect to this transaction, the public would not have heard the last of it for some time. The question which he was about to bring under the consideration of the House was one of a serious nature. It involved the sacred right of the people to meet peaceably in public to discuss public grievances. If it should appear that that right had been violated by the magistrates of Staffordshire, he hoped the House would aid him in obtaining from the Government that information for which he was now about to move. It appeared a report had gone abroad that a statement had been made by some magistrates in Sedgeley, that if a Chartist dared to show his face in the town, he should be immediately arrested. Mr. Mason, a Chartist lecturer, however, thinking that the magistrates had no right to make such a statement, determined on holding a meeting in Sedgeley. He had proceeded about ten minutes in his lecture, when he was interrupted by a constable of the name of Beman, who, it should be observed, was the only witness who appeared on the trial against the prisoners. And what, after all, was the language to which the constable deposed? According to his account, Mason was telling the people, and telling them, as he (Mr. Duncombe) believed truly, that the laws of this country were made by the aristocracy—that the people had no voice in the election of their representatives—that the laws which were to be obeyed by all should be made by all, and consented to by all; that the individuals in this country who worked the hardest received the least; and that those who worked the least received the most. The constable then interrupted the lecturer, saying that he could stand that no longer, that he at all events should do something for his pay; that Mason was using seditious language; and that it would be his duty to break up the meeting. Mason told the constable that he had no business to interrupt him; that his only business would be, if he was using seditious language, to go before a magistrate and lodge information against him, which might be tried on a future day. The constable persisted in putting an end to the meeting; he took hold of the bench on which Mason was standing, and tilted up the lecturer. The people interposed, but finally Beman carried off the bench. No breach of the peace was committed, except by the constable. Mr. Mason took out a warrant against the constable, upon which the constable took another against Mason, and caused him to be apprehended. The magistrates committed Mason for trial, and dismissed the charge against the constable. Mr. Mason and seven others were committed for attending an unlawful meeting, and for assault. The meeting was one which no lawyer would call unlawful or illegal. It was perfectly peaceable till interrupted by the constable. These poor working men were committed on a charge of unlawfully meeting, and on a charge of riot and assault. All the charges against them, except for unlawfully meeting, had subsequently vanished, and he denied that for even that part of the charge there was any good ground. They had not come with arms, or with banners, or in anything like military array, nor was the meeting accompanied by any circumstances that could constitute it an unlawful assembly. Mason had not been guilty of using seditious language; but that even if he had been guilty, the constable would not have been justified in interrupting the meeting. Mason had been found guilty of attending an unlawful meeting; the others had been found guilty of a common assault. He complained of the arrest; he complained of the circumstances that had taken place at the trial; and he complained of the sentence that had been passed. The constable had evidently a dislike to Mason, and yet the chairman in passing sentence gave one man two months' imprisonment, another man four, and another six months' imprisonment, having no other evidence than the dictum of the constable. If guilty, they were all equally guilty, and in awarding punishment to refer to a partial witness could certainly not be fair. These men were now prisoners in Stafford Goal, after having been sacrificed to the party spite of the magistrates. In the present state of feeling in Staffordshire such treatment, he contended, of the working classes was anything but prudent. When they coupled such occurrences with what had lately occurred in Ireland, the people naturally asked, were they returning to the days of Sidmouth and of Castlereagh? He maintained that the people had a right to meet peaceably and discuss what they deemed to be grievances, and this prosecution, instituted by the magistrates, was disgraceful to the county of Stafford. He did not believe that any judge of assize would have found these unhappy men guilty, and it would therefore be better if the power of magistrates to try such offences at quarter sessions were taken away. It was too late in the Session to ask for a committee of inquiry to investigate these charges, but he would endeavour to obtain the best information within his reach. The hon. Member concluded by moving—

"That there be laid before the House a copy of the depositions upon which J. Mason, a Chartist lecturer, Thomas Casswell, and six others, were committed for trial at the late Midsummer sessions for the county of Stafford, together with copies of the indictment, or indictments, and the names and addresses of the magistrates and jury before whom they were tried."

Mr. *Hume* seconded the motion. Some forbearance should be shown in such cases; particularly at the present time, when so much distress prevailed, the people should at least have full liberty to complain.

Sir *J. Graham* said, in reference to certain observations which had fallen from the hon. Member for Montrose, that he absolutely denied that, the administration of justice in this country should be made dependent on circumstances. It was the duty of the Executive Government to take care that the laws of the country were administered with strict justice, tempered with mercy; and he did not feel that it was their duty to consider, in the execution of the laws, any particular circumstances, such as the hon. Member had alluded to. With reference to the mistake which he had committed the other night in relation to the motion before the House, he might state, that about 4,000 cases connected with criminal proceedings annually came before him; and that at the present period of the year he was obliged, besides attending to other business, to be present in that House about ten hours every day. He did, however, plead for pardon on this account for the error he committed, but would state how it arose. The motion of which the hon. Member gave notice related to a person named John Mason; and he (Sir J. Graham) found in the Home Office a memorial, headed by the signature of Thomas Caswell, and not John Mason. It referred, it was true, to the conviction of John Mason; and he (Sir J. Graham), after reading the short statement, expressed his opinion that there was no reason to alter the sentence. With respect to the persons named in the hon. Member's motion, the Government had nothing to do with their apprehension or prosecution, and he thought the hon. Member for Finsbury was taking a strong step when he asked the House to constitute itself into a court of appeal against the verdict of a jury and the proceedings of a competent tribunal. The hon. Gentleman had stated that the constable exceeded his duty in attempting to apprehend John Mason; but he (Sir J. Graham) had yet to learn that it was not the duty of a constable, when he saw an assembly tending to a breach of the peace, and heard language used of a most exciting character, to apprehend the parties engaged in the proceedings of such an assembly. [Mr. *Hawes*: "Hear, hear."] The hon. Member might deny his statement, but he (Sir J. Graham) repeated it. If a constable interfered without sufficient cause, he would do so at his own peril. At all events, this question had been decided by a competent tribunal; and surely the hon. Gentleman would not contend that a jury of twelve men were not competent to decide upon it, and bring in a verdict founded on the facts of the case? He (Sir J. Graham) was informed that the chairman of the magistrates before whom the case was tried was a gentleman of the legal profession, and had presided at the sessions for seven years. This gentleman stated, in a paper forwarded to him (Sir J. Graham) that during those seven years he had made a point of never attending any political meeting and that he had refrained from giving any public expression of his politics, in order to prevent even the shadow of a suspicion that he was influenced by political opinion in the administration of the laws. He also said, that he never heard any political discussion among the magistrates when assembled at the sessions, and he therefore trusted that both he and his brother magistrates would be defended from the aspersion of being actuated by political feelings. This was the statement made by the Gentleman, who had shown, he believed, the utmost skill and impartiality while presiding at the sessions where these parties were tried. He did not wish to go into the evidence, but he was told that the language used by Mason was of the most exciting description and of a seditious character; and the jury found him guilty on two counts—for aiding and abetting in an unlawful meeting, and for riot. The prisoners were charged, first, with aiding in an unlawful assembly; second, for riot; third, with assaulting the constable in the execution of his duty; and fourth, for a common assault. The jury brought in a verdict against all the prisoners for aiding in an unlawful assembly, and against seven of them for an assault. As it was Mason's conduct and language that gave to the assembly its unlawful character, the chairman passed on him the heaviest sentence. The hon. Gentleman asked whether the time had arrived when the people were not to be permitted to meet lawfully together? He (Sir J. Graham) replied, God forbid that it should not be competent for any multitude to assemble lawfully and peaceably to discuss grievances and petition for their redress. But in this case rhe question was submitted to the jury, "Did the multitude meet peaceably and lawfully?" and he asked, had they arrived at that time when hon. Gentlemen opposite, the great advocates of trial by jury, would contend that that was lawful which a jury, by their verdict, had declared to be unlawful? It was quite superfluous to argue this question, or to defend the verdict of the jury, whose impartiality could not be impugned. The conduct of the chairman was also irreproachable, and the imputation that he had tampered with the jury had been abandoned by the hon. Gentleman himself. It appeared that the trial began at nine o'clock in the morning, and lasted till four in the afternoon. Previous to summing up the chairman retired, and at the same time two of the jury asked leave to retire, and left the jury-box in the custody of an officer. Being ignorant of the passages of the court, the jurymen went out at the same door with the chairman, who merely pointed out to them the proper way. The trial was a fair, honest, and impartial one; and nothing could be more inexpedient than that that House should constitute itself into a court of review on a trial so conducted. He opposed the motion.

Mr. *E. Buller* confirmed the statement of the right hon. Baronet, that the chairman only pointed out the proper direction to the jurymen. Any one who was acquainted with the gentleman in question very well knew he was perfectly incapable of tampering with the jury. He also bore testimony to his impartial conduct on the bench, and expressed his regret that the present question had been raised at a time when all the Gentlemen of the legal profession, who were best qualified to give an opinion as to this Gentleman's conduct and impartiality on the bench, were absent from the House.

Mr. *Aglionby* totally dissented from the doctrine of the right hon. Baronet opposite, that such questions as the present were improper for discussion in that House. He thought it right, on the contrary, that in all cases concerning the liberty of the subject that House should be a supreme court of appeal. They, however, were not now called on to decide whether the chairman and the jury had acted properly, but whether they ought to have a copy of the documents moved for by the hon. Member for Finsbury. He did not mean that every Member would be justified in bringing such questions before the House for any frivolous cause, but the present was a case of doubt and suspicion, as the only evidence on which those men were convicted was that of the constable, who put his own construction on the language made use of. He dissented from the right hon. Baronet's description of an unlawful meeting. To constitute an unlawful meeting, and to render interference justifiable, it was necessary that the meeting should, in consequence of being armed, or by its violence, or some such cause, occasion a belief in the minds of reasonable people that a breach of the peace would ensue. In this case no breach of the peace was committed until the constable interfered, and he denied that this single constable had the high authority given him to decide that the meeting was unlawful. He should support the motion of his hon. Friend with the greatest pleasure; and whenever he saw a case of this kind, which was not light or frivolous, he should assume the right of that House to be a court of appeal as the rule, and the refusal as the exception.

Mr. *Hawes* hoped that the law officers of the Crown would stand up and protest against the unconstitutional doctrine of the right hon. Baronet the Home Secretary. With regard to the circumstances of the case, he knew nothing; but the right hon. Baronet declared that it was competent for a constable, who might attend a public meeting, to judge whether the language of the speakers was seditious or not, and that upon his view of the case he might take them into custody.

Sir *J. Graham* wished to explain. He said, not that the constable was justified in doing so, but that he did it at his own risk. A constable hearing language used which, in his judgment, tended directly to a breach of the peace, was justified at his own peril, in apprehending the party using it.

Mr. *Hawes* resumed. Of course the constable was not exempt from the penalty of the law if he acted against it; but he protested against the doctrine of his being a judge of such a matter as the one in question. Since Lord Sidmouth's circular there had not been a more invidious attempt to put down public discussion. That circular was universally scouted, and Lord Sidmouth could not maintain his ground. He hoped, then, that the opinion of the right hon. Baronet would meet with the same condemnation throughout the country. There was a long debate on the circular in 1817, and Lord Holland and Lord Erskine then declared that it might be true that from constables not having full power offenders might here and there escape; but better it was that they should escape than such an officer as a constable should have powers like a judicial authority.

The *Attorney-general* said, that after the sort of challenge which the hon. Member for Lambeth had thrown out to the law officers of the Crown, it seemed to be his duty to take some notice of what had fallen from the hon. Member and the hon. Member for Finsbury. A debate had been attempted to be raised upon an expression of his right hon. Friend, the Home Secretary, to which expression, if it were not misunderstood, he himself had no objection whatever. What were the papers that were called for? If they were for any practical purpose, he should like to know what it was; if not, it must be to cast a slur on the magistrates and jury. The part of the motion relating to the notes of the chairman was abandoned. He should, had it been persisted in, certainly have objected to the production of them, but that was the only document which there was any pretence to call for. As to the copies of the depositions, every person committed for trial had a right to such copies, and he had no doubt the parties in question had received them. They might have been put into a petition to that House, and if they furnished any matter of complaint, they might have been brought under the notice of that House. With respect to the copies of the indictment, he would undertake to say that they were nothing more than copies from some book of Crown law, containing charges of attending unlawful meetings, but of those the parties might have had copies. Then the last part of the motion was for the names of the magistrates and the jurymen.

The former must have been appended to the commitment, and the latter must have been notorious to every one who attended the trial. He knew nothing of the merits of the case, except from what had passed in the House, and from the petition which had been presented to the House on this subject. To the petition he wished to call their attention. The petitioners expressed their surprise at the verdict of the jury. Now, that House was the last assembly in which the verdict of a jury ought to be made the subject of comment or inquiry. If it were a criminal case, let it be brought before the Secretary of State, and if that Officer did not do his duty, let his conduct be brought before that House. The petitioners also said, there was no breach of the peace until the constable went into the assembly, and that there was no justifiable cause to interfere. But he would say, that the officer who saw a person measuring out the ground in a convenient spot, and others standing near, was not bound to wait until a pistol was fired before he took the parties into custody. It was sufficient if he saw enough to convince him, that a duel was about to take place. He begged, then, to say, that in his view of the law, whenever a constable saw any act done, or heard language, the immediate tendency of which was to lead to a breach of the peace, it was his business to watch and take care, that no such breach was committed; and it might become his imperative duty to interfere at once to prevent it; but if he did so, it was on his own responsibility. He should be sorry to see revived the old proceedings which tended to put down public opinion; but when he saw a constable acting in a way which the verdict of a jury had sanctioned, he thought the House ought not to interfere. Under these circumstances, he trusted the House would feel that this was not a case for the interference of their inquisitorial powers in calling for papers of this description.

Mr. *O'Connell* said, it struck him that the party in question had been accused of one offence and convicted of another. The charge made against him was for using seditious language, and the depositions were necessary to hear what it really was. He must repudiate the doctrine that a constable was to decide whether language was seditious or not. This party was found guilty of attending a seditious assembly; but that was not the original charge; that was made after Mason had charged the opposite party. The first person who commenced the violence was the constable. How could the meeting be called an unlawful one? Would it be permitted, if a number of gentlemen assembled together to discuss any public question, for any constable, how strong soever the language used might be, to interfere? He should therefore support the motion for a copy of the depositions; but should advise his hon. Friend to withdraw the part relative to the names of the magistrates and jurymen.

Sir *R. Inglis* said, that the right hon. Gentleman who had just spoken had thrown over one part of the motion, and the hon. Member for Finsbury himself had thrown over another; and with respect to the depositions, what had they to do with the trial? On the whole, he was of opinion that they had not evidence before them even for the hypothesis that the constable had executed his duty. Upon those grounds he should oppose the motion.

Mr. *T. Duncombe* would not press for the names of the magistrates or jurymen.

The *Solicitor-General* said, there could be no other object to be attained by this motion than to cast a censure on the magistrates and jurymen. The hon. and learned Member for Cockermouth said that that House ought to be a court of appeal. If there were any real grievance that House was the place where it ought to be made known; but he protested against the doctrine of that House being made a court of appeal on the decision of a judge or jury in any matter civil or criminal,—that House was wholly incompetent to such an object; and it was because this was intended as an appeal against the decision of the magistrates and the jury that he now objected to this motion. Upon what ground was it made? Take the petition, which, as he had understood, was presented to the House by the hon. Member for Finsbury. The hon. Gentleman the Member for Finsbury disclaimed any intention of bringing charges against the magistrates, the chairman, or the jury, he declared that he did not mean to ask for the names of the jury, or the magistrates, or the chairman, but yet what did the petition say? It proceeded in these words:—

"That your petitioners are fully convinced, from the proceedings connected with the trial, that the prosecutors, and the magistracy, and the jury who were sworn to return a verdict in accordance with the evidence, were influenced more by factious motives than a strict regard to equity."

Now, he would ask with what view was the House of Commons called upon to agree to this motion? It was said that there existed no intention of pronouncing censure upon either the magistrates, the chairman, or the jury; then with what view was the question raised? In order, it was said, that an inquiry might be instituted; but he professed himself at a loss to discover how a case even for inquiry had been made out. The right hon. Gentleman the Member for Cork county had told the House that he was not in possession of any information on the subject, and so had almost every Member who addressed the House; he would, therefore, just briefly state, that the first count in the indictment charged the prisoners with having created a riot; the second, with holding an unlawful assembly; the third, with assaulting a constable in the execution of his duty; the fourth with a common assault. Upon the question of law to which this trial gave rise the chairman pronounced a judicial opinion, and surely it would not now be maintained that the hon. Member for Finsbury wished the House of Commons to pronounce a censure upon that, for, if such were his wish, why should he disclaim it? The hon. Member said, he did not complain of the chairman or any one concerned, yet he presented a petition preferring charges against all concerned, he got that petition printed with the votes, and he founded a motion upon it. Each of the charges in the petition were gone through and denied, and after giving up every one of the papers which he demanded in the first instance, he then asked for the depositions. What could the production of the depositions effect? No practical result could be obtained from any papers except the chairman's notes; for those, however, the hon. Member did not ask. If the House went into an inquiry, the depositions would be wholly immaterial. It was suggested, that if the depositions were produced they would show the grounds of the committal; but of what importance would the grounds of the committal be after the question had gone before a grand jury? After they had investigated the question, after they had found a true bill, after the prisoners had been tried, nay, after they had been convicted, of what possible use could the depositions be? No censure, no suspicion ever could rest upon the chairman, upon the magistrates, or upon the jury. What advantage could result from agreeing to the motion of the hon. Member for Finsbury?

Mr. *Sheil* said, that his hon. Friend the Member for Finsbury did not mean to cast any imputation upon the chairman, the magistrates, or the jury; neither had the motion which he brought forward been founded upon the petition, as stated by the hon. and learned Solicitor-general. The petition was not once mentioned in his notice of motion. What, then, would be the advantage of producing those papers? The right hon. Baronet the Home Secretary admitted that a constable in the performance of his duty had exercised some discretion; that he had received an impression from overt acts, or from words, that a certain meeting was an unlawful assembly, and he interfered to disperse that assembly without the authority of a magistrate. It was true the right hon. Baronet did not say that the constable was justified in taking such a course; but he would ask were the circumstances of such a nature as to call for the approbation of the Government? On the contrary, the Attorney-general admitted that it was inexpedient for constables thus to interfere. Was it not, then, pushing the power of the Executive Government to a great length, under these circumstances, to refuse the production of the papers? *Summum jus, summa injuria.* If the doctrine now insisted upon were to prevail no public meeting could be held without such meeting being liable to dispersion at the will of a constable. Suppose 10,000 persons were assembled upon any occasion; suppose a constable—an ignorant man, but one anxious to do his duty—heard or witnessed that which he conceived to be illegal, and thereupon he dispersed the meeting *ex mero motu:* the question came to be tried, not before any one of the judges of the land, but before an inferior tribunal; and such being the facts of the case, it would surely be inferred by the country that the refusal to grant papers was a retrospective ratification of the course of proceeding adopted by the constable. An assembly might be unlawful, but it would be most unadvisable to give to constables the power of judging with regard to that unlawfulness, and he trusted the House would agree with him, that to grant the depositions in such a case as the present would not be understood to imply any censure upon the judge or the jury. If the papers were granted it would be received as an expression of the opinion of the House of Commons that public meetings ought not to be dispersed by the authority of constables; but, if they were refused, an opposite inference must be drawn.

Sir *R. Peel* said, that the right hon. Gentleman who last addressed the House had not attended to the manner in which the motion had originated. It was originally founded upon the petition, and the hon. Member moved that the petition be printed, in order, as his original notice stated, that he should call the attention of the House to the prayer of that petition, and induce the House to consent to a motion for the production of these papers, on the ground that the judge, the jury, and the magistrates were influenced by factious motives rather than a strict regard for equity. Let any hon. Member compare the original notice with the present motion, and he would find that it had dwindled down almost to nothing; but yet, if the House agreed to the motion, it would amount to saying that the verdict had been given against evidence. That allegation, in fact, constituted the first charge. The second, as already stated, accused the jury, the judge, and the magistrates with being influenced by factious motives; the third paragraph of the petition asserted the innocence of the accused; and the fourth was as follows:—

> "That previous to the chairman of the sessions summing up the evidence, he and two of the jurymen left the court by the same door; and, after being absent for some time, the chairman and one of the jurymen returned together, the other immediately following, which circumstance ought not to be allowed to transpire in any court of justice, it being palpably indicative of unfairness, if not injustice, towards the accused."

That statement was most positively denied. Though the departures from court were simultaneous, it was a circumstance purely accidental. Every one of the charges had been abandoned excepting one, and that was not contained in the petition. As to the chairman of the quarter sessions, he had not the honour of his acquaintance, and had never even seen him, but had always heard his name mentioned with the highest esteem, and believed, that his services in the administration of justice (as had been handsomely acknowledged by the hon. Member for North Staffordshire) were highly appreciated in the county. That the House of Commons had not jurisdiction in any case to inquire into the administration of justice, he could not lay down, neither could he undertake to define that jurisdiction, though, assuredly, if there were reason to believe, that a chairman had been tampering with the jury, there might be ground for intervention; but nothing could be more dangerous than, on light grounds, to interfere with the administration of justice, and set up the House as a court of appeal from juries. As to calling for the names of the jurymen, the hon. Member for Finsbury's own good sense induced him to withdraw so very monstrous a proposition. The most observable thing was, that the hon. Member had called for the names of all the parties concerned in the matter except the very person who had just the greatest concern in it—viz., the constable. And as to the charge against the constable, what was there to sustain it? With regard to what his right hon. Friend, the Minister for the Home Department, had said, he had not understood him to lay down any doctrine abstractedly. Surely his right hon. Friend had done nothing more than refer to the circumstances of this particular case. His right hon. Friend would not, of course, lay down in that House, without any deliberation, what were absolutely the duties of the constabulary in a most difficult class of cases. In the present case (which was all that his right hon. Friend had meant to advert to), the constable had certainly performed a part very doubtful, as all cases of the sort must be doubtful, till set at rest, as this had been, by the verdict of a court of justice. The jury had found, that the meeting was an illegal one, and thus had justified the man's conduct. There had been, too, more than one appeal to law; the party complaining had brought his action for the assault (of which nothing had been said), and that action had been dismissed. Why should not, then, the decisions of a court of law be deemed sufficient? It would never do, certainly, for the House to interfere, till all legal means had been exhausted; and if once the House adopted the principle of interfering, in cases so slight, with the judgments of courts of law, depend upon it, there would not be one night without some case of the sort being brought forward, for to the end of the world, losing parties would be dissatisfied with verdicts. On these grounds, then, he hoped, that to maintain intact the great principles of law, the House would negative decidedly a proposition so fraught with danger to the administration of justice in this country.

Viscount *Palmerston* agreed in the propriety of the general principle, that that House ought not in any way to interfere with the decisions of courts of justice; but it was also admitted that cases might occur, of which it was fitting that some notice should be taken in that House; and not long ago it had been laid down by a high legal authority, one of the judges in Ireland, that the decisions of courts of justice ought not to be made the subject of discussion by the press; but that parties aggrieved should either apply to the Executive, or address themselves to Parliament. In the present case he understood application had been made to the Executive: the right hon. Baronet had more or less carefully considered the case, and had decided that there was no ground for the application. Well, then, they had the highest legal authority in another part of the kingdom for this application to the House. His opinion was, that the questions which had been mooted in this debate rendered it expedient that the papers should be produced: it was said that a constable might act on his own responsibility in interrupting a public meeting, and that if it turned out that he had mistaken his duty, then he was liable to an action. That doctrine put him in mind of a story of a party of gentlemen playing at cards, one of whom believing that one of his opponents had an ace of spades concealed under his hand, took a fork, and with it pinned his hand to the table, saying, "If you have not the ace of spades under your hand I beg your pardon." He supposed that hon. Gentlemen would say that this card-playing gentleman was justified in acting upon his own responsibility in sticking the fork into his opponent's hand, in the same way as they were told a constable would be justified in acting on his own responsibility. He, however, did not deny that when any conduct was being recommended or pursued clearly and directly tending to a breach of the peace, not only an officer, but any one, would be justified in interfering; but he understood that at this meeting doctrines, certainly, in his opinion, highly objectionable were advocated; that the proceedings consisted entirely in the promulgation of mere abstract opinions upon the question of the representative system in that House, and upon the subject of wages; nothing, therefore, to justify any interference on the part of a constable. He thought, under all the circumstances, that there was a sufficient ground for inquiry, and he did not think that the objections to the motion were very consistent, for, first, it was said that the motion could not be agreed to because it was too comprehensive; and, secondly, that it ought not to be agreed to because it had dwindled down to nothing.

Mr. *Villiers* admitted the evil of suffering illiterate men to be expounders of law; but, in this case, a chairman of Sessions and a jury had justified the constable whose conduct was in question. But that, in his opinion, made the case of his hon. Friend still stronger for his application to have the depositions produced; for, as he had now framed his motion, there was no question of the mode in which the law had been administered, or any appeal to this House from a verdict of the court, but simply a request to have the depositions on which the prisoner was committed produced, which was information that was peculiarly interesting for them at this time to possess, for the Attorney-general says, that there are many laws which he should be sorry to see construed strictly, and his hon. Friend says, that if the prisoner was convicted properly, the law is in a singular state. For their information, therefore, as a legislative body, it was important that they should know under what circumstances this person had been indicted and subsequently convicted, and how far meetings to discuss political questions might be held, or might be interrupted; for if the law, as it had been construed at these sessions, was known, it might prevent violations of it in future; and if it was bad or improper to continue it, this House might desire to know that, with the view to alter it. Raising, therefore, as it did, the question of the law, as it might be then enforced, he should vote for the depositions being produced, as the best evidence they could get of the matter.

Mr. *Ewart* thought a constable was not a proper party to decide as to the unlawfulness of a meeting. In the Manchester case the people had implements calculated to excite terror in the people, and Mr. Justice Bailey had laid it down at York, that there must be something to terrify the people before a meeting could be said to be unlawful; but at the meeting alluded to on the present occasion, there were no implements calculated to excite terror.

Mr. *M. Philips* denied that there were arms at the Manchester meeting. It might appear in evidence that there were, but such was not the case; there were no arms; nothing but flags. With respect to the present motion, he must say, that he did not think a constable a fit person to judge of the legality of a meeting.

The House divided on the question, that the words proposed to be left out stand part of the question:—Ayes 116;—Noes 32: Majority 84.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Capt.
Allix, J. P.
Arbuthnott, hon. H.
Arkwright, G.
Baird, W.
Baldwin, B.
Baring, hon. W. B.
Bateson, R.
Beckett, W.
Boldero, H. G.
Botfield, B.
Bradshaw, J.
Broadley, H.
Broadwood, H.
Bruce, Lord E.
Burroughes, H. N.
Chelsea, Visct.
Chute, W. L. W.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, A.
Cockburn, rt.hn.Sir G.
Collett, W. R.
Colquhoun, J. C.
Courtenay, Lord
Cripps, W.
Damer, hon. Col.
Darby, G.
Douglas, Sir H.
Douglas, Sir C. E.
Duncombe, hon. A.
Eliot, Lord
Estcourt, T. G. B.
Feilden, W.
Fitzmaurice, hon. W.
Flower, Sir J.
Follett, Sir W. W.
Ffolliott, J.
Forbes, W.
French, F.
Fuller, A. E
Gaskell, J. Milnes
Gladstone,rt.hn.W.E.
Gordon, hon. Capt.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Greene, T.
Grogan, E.
Guest, Sir J.
Halford, H.
Hamilton, Lord C.
Harcourt, G. G.
Hardinge, rt. hn.SirH.
Hardy, J.
Hawkes, T.
Henley, J. W.
Herbert, hon. S.
Hodgson, R.
Hogg, J. W.
Hope, hon. C.
Hughes, W. B.
Hussey, T.
Inglis, Sir R. H.
Jermyn, Earl
Jocelyn, Visct.
Johnson, Sir J.
Jones, Capt.
Knatchbull,rt.hn.SirE
Knight, H. G.
Knight, F. W.
Lascelles, hon. W. S.
Law, hon. C. E.
Lincoln, Earl of
Litton, E.
Lockhart, W.
Lowther, J. H.
Lowther, hon. Col.
Lygon, hon. Gen.
Mackenzie, T.
Masterman, J.
Mundy, E. M.
Neeld, J.
Neville, R.
Norreys, Lord
Northland, Visct.
Packe, C. W.
Palmer, G.
Patten, J. W.
Peel, rt. hon. Sir R.
Pemberton, T.
Polhill, F.
Pollock, Sir F.
Praed, W. T.
Pringle, A.
Rashleigh, W.
Richards, R.
Rose, rt. hon. Sir G.
Rushbrooke, Col.
Russell, C.
Sandon, Visct.
Somerset, Lord G.
Stanley, Lord
Stewart. J.
Sutton, hon. H. M.
Taylor T. E.
Taylor, J. A.
Thornhill, G.
Tollemache, J.
Trench, Sir F. W.
Vivian, J. E.
Walsh, Sir J. B.
Williams, T. P.
Wodehouse, E.
Young, J.

TELLERS.

Fremantle, Sir T.
Baring, H.

List of the NOES.

Aglionby, H. A.
Bowring, Dr.
Brotherton, J.
Browne, hon. W.
Bryan, G.
Buller, C.
Cobden, R.
Crawford, W. S.
Ebrington, Visct.
Ewart, W.
Fielden, J.
Gibson, T. M.
Gore, hon. R.
Grosvenor, Lord R.
Hatton, Capt. V.
Howard, hn. C. W. G.
Hume, J.
Humphrey, Ald.
O'Brien, J.
O'Connell, D.
O'Connell, M. J.
O'Conor, Don
Palmerston, Visct.
Philips, M.
Sheil, rt. hon. R. L.
Tancred, H. W.
Villiers, hon. C.
Wall, C. B.
Williams, W.
Wood, B.
Wood, G. W.
Yorke, H. R.

TELLERS.

Duncombe, T.
Hawes, B.

Order for committee read.

On the question that the Speaker do now leave the Chair,

DISTRESS (IRELAND).] Mr. *S. Crawford* said, he was very unwilling to interpose any obstacle to going into supply, but he felt called upon to take the course which he now did in consequence of the conduct of the Government. He admitted, that the right hon. Baronet opposite had always treated him with courtesy, but he could not accept of any courtesy, at the expense of the cause which he advocated. The right hon. Baronet, on a late occasion said, with reference to the English Poor-law, that not more than one-fifth of the poor had been relieved inside the workhouse; and it had been admitted, that a law to give relief only in the workhouses was unjust and oppressive to the poor. He begged to remind the House that Ireland was under the operation of such a Poor-law, and he wished to know why some relaxation of the law had not been made in Ireland. The right hon. Baronet admitted, that the commissioners in England had made some discretionary power in administering relief; but in Ireland the commissioners could give no other relief than relief in the workhouse. On a former occasion he had made various statements with regard to the distress of the poor, and he apprehended Government would not deny that great distress existed in Ireland. Since that time he had found a confirmation of the distress in a document signed by the Rev. Mr. Hughes, of Clare-Morris, describing the distress that existed in his district. It appeared from this document, that in that district there were nearly 500 families in a state of destitution, subsisting chiefly on the charity of their neighbours. In other parts the poor were described as subsisting on green weeds and inferior flour, the consequence of which was that dysentery prevailed among them to a lamentable extent. He had been informed that neither the distress of 1831, nor that of 1835, was at all to be compared with that which at present existed. The distress in Belfast was described to him as very great, and likely to increase. In Belfast the distress was confined chiefly to the working classes and manufactures, but in other parts in Ireland great distress also existed among the agricultural population. It was said that the Corn-law had been beneficial to Ireland; but how could this be the case, when they saw that such distress prevailed in the agricultural parishes? In his opinion the Corn-law had been productive of great evil in Ireland; it had taught landlords to depend on high prices; while, if there had been no Corn-law, they would not have had those high prices to depend on, but would have taken some other means to raise the value of their land. The effect of the Corn-laws in Ireland was to produce the greatest possible stagnation in its manufactures; and his firmest conviction was, that nothing could tend so much to the promotion of those as the abolition of those laws. He attributed much of the evil existing in Ireland to the mal-administration of the Poor-laws; but that evil was greatly aggravated by the bad management of the landlords. The bad arrangement of the law between landlord and tenant had a most injurious effect, and still more had the dealings of the landlords as individuals. One of the effects of the establishment of the Poor-laws in Ireland had been to check the benevolence of voluntary associations. The commissioners of the Poor-laws seemed to set their faces against the voluntary system. There was another evil connected with those laws—the transmission of Irish paupers from England to Ireland. Men who had been ten or twenty years in England, when removed to Ireland, had no place of settlement. They were removed there and then left to starve, or else they were sent back again to England, and after that sent to and fro, without any fixed locality. The powers of the commissioners ought to be such as to place these persons in a better situation. He wished to impress upon the House the consideration what was to be done with these poor persons, placed as they were under the dreadful circumstances he had stated. The Irish Poor-law was an experiment, and it had been sufficiently proved not to have succeeded. His wish was to prevail on the Government to re-consider that law. He was willing to bear any additional tax which might be required to effect the object he sought to obtain, and he hoped there would be no objection to the motion he had to propose. The hon. Member concluded by moving, as an amendment, a resolution,—

> "That the distressed state of Ireland requires the immediate attention of the House and of her Majesty's Government, with a view to devise and adopt such measures as may be advisable under the present circumstances of the extreme destitution of the working classes in that country."

Mr. *Fielden* seconded the motion.

Lord *Eliot* gave the fullest credit to the hon. Member for Rochdale for the object which he was desirous to attain by the amendment he had proposed, and it would be a mark of disrespect if he did not offer a few observations in reply. At the same time he trusted the hon. Member would believe that the Irish Government were equally anxious with himself to attend to that which the hon. Member had made the subject of his observations. It would, undoubtedly, be a very easy and cheap mode of meeting the difficulties the hon. Gentleman had pointed out by applying the public resources in aid of the distresses of the country; but while the

Government were bound to aid all public works, they were at the same time equally bound not to go too far. It was incumbent on them not to check charity and private benevolence. The Irish Government had endeavoured to do what the exigency of the case required. Allusion had been made by the hon. Member to the Corn-laws. It was far from his intention to go into any details upon that subject, but since he had resided in Ireland, he had made inquiries of persons of authority, who well knew the situation of Ireland, and the reports he had received were not such as to inspire anything like despondency. On the contrary, he believed there was a general improvement in the condition of the people. He did not think that the distress which existed was anything more than that partial distress which had almost every year prevailed. So long as the population depended almost entirely upon potatoes for existence, he was afraid that periods of distress could not be avoided. He believed that in a few years the people of Ireland would not depend upon potatoes for subsistence. Meal was now becoming a part of their food. He had received a letter from Mr. Griffiths, who had been for ten years employed as a valuator in Ireland, and he said, in answer to questions which had been put to him, that he considered the people were gradually and steadily progressing in civilization and comforts, and that in the south and south-western districts of Ireland the system of drainage of the lands, and the improved method of tillage, held out a prospect of considerable benefit for the future. The communications of the surveyor of Ireland authenticated this anticipated result. These accounts were supported by men of respectability, and of all political opinions. He was, therefore, not speaking without authority when he stated that the condition of the people in Ireland was gradually improving. With regard to the Poor-law, the hon. Gentleman seemed to think that the people of Ireland had been deprived of the advantages of voluntary benevolence by this law. He would merely observe, that no rights and privileges of the people had been at all curtailed. It would be rash to say that relief should be given to every poor man in Ireland, but the regulation was, that assistance and relief should be given to the aged, the infirm, and the impotent. That had been practically the case. He hoped that the power of giving out-door relief in Ireland would never be conceded by Parliament; such a change would be attended with the most dangerous consequences; in that case, many of the evils which had prevailed, and were still prevalent in England, would be introduced into Ireland. In conclusion, he begged to add his testimony to that of the hon. Member, who had only paid a just tribute to the patience and forbearance of the people of Ireland under their privations.

Major *Bryan* was understood to say, that in the district with which he was particularly connected (Kilkenny) he never knew the distress to be more extensive than at present.

Lord *Eliot* did not deny, that the distress was severe in some particular localities, but he believed it had arisen from the failure of the potato crop.

Mr. *F. French* said, the Poor-law had been forced on Ireland by an English majority, and he was glad that the right hon. and learned Gentleman had given notice of his intention to bring the subject fully before the House in the course of the next Session of Parliament. He thought it strange that the administration of the Poor-law in Ireland should be continued in the hands of a person who estimated the expense of its working at 300,000*l.*, while the cost in reality had been 1,300,000*l.*

Mr. *O'Connell* did not think any good object could be attained by continuing the present discussion. He felt greatly obliged to his hon. Friend for the patriotism and humanity which he had evinced on the present occasion, and he would ask, what could possibly result from the success of his motion? At this late period of the Session, the House could do little but express its sympathy and sorrow for the situation of Ireland. He considered the Poor-law inapplicable to the situation of that country; but if they were to have a Poor-law, he should certainly prefer out-door relief to its being confined merely to a state of imprisonment in the House. The noble Lord had afforded him some consolation by his prophecy of future amelioration, and of the improvements gradually taking place in Ireland. This, however, was neither the first nor the tenth time when such prophecies had been made. The committee of 1830 held out a most splendid prospect of the improvements in agriculture—they gave a complete view of a land of promise, of a terrestrial paradise, and yet two years afterwards, when the people of Ireland were enumerated and classified, it appeared there were not less than 2,300,000 paupers returned. He contended that the evils of Ireland were to be traced to bad Government. It had been said that the result would have been different if the 43rd of Elizabeth had been extended to Ireland. But how was that Queen employed? According to Spenser she was employed in destroying, year after year, the harvests of Ireland—her troops went from county to county, as the harvest was coming on, for the purpose of totally annihilating it, until by the force of sheer famine the subjugation of Ireland was complete. To imagine a poor law applied to Ireland in the reign of Elizabeth, would be a stretch of imagination far beyond that of a poet. The noble Lord seemed to imagine that the present distress was not so great as that which formerly existed. He begged to assure the noble Lord that he was completely mistaken on that point. The hon. and gallant Gentleman the Member for Kilkenny county, as a resident landlord, was perfectly acquainted with the state of the Irish poor. Few landlords could have greater claims on their gratitude, and he said that he had never known the distress so terrific as at present. At some periods there had certainly been less provisions; but the distress now arose from the total want of employment, and the consequent want of wages. He was bound to bear testimony to the conduct of the present Irish Government on this occasion. They had evinced the greatest promptness and readiness to relieve the distress which existed; and he mentioned this without the slightest hesitation or reluctance. Some of the features of the present Poor-law were of terrific import. There was scarcely an able-bodied man in any of the poor-houses in Ireland. There was not one in the house in Cork or Dublin. But what was taking place? Formerly young men remained at home rather than emigrate to places where they could obtain greater wages, in order that they might support their mother or unmarried sisters. Now, however, a man's family could not go into the workhouse unless he accompanied them. The consequence was, that many men absconded, leaving misery accumulating in the poor-houses without the possibility of redress. There was something essentially wrong in the state of that country, which the Poor-laws would not remedy; and he ventured to say that, when the rate came to be levied, it would be met by a more determined and strenuous resistance than any regulation that had ever been enforced in that country. He thought his hon. Friend had attained his object in calling the attention of the House to this subject, and he respectfully advised him to withdraw his motion.

Mr. *S. Crawford* would not divide the House.

Amendment by leave withdrawn.

On the question being again put,

Mr. *Hume* said, that since the House had last met there had been a meeting of some thousands of his constituents, who had asked him to do what he could to obtain relief for their distresses. He had endeavoured to prevail on the Government to apply a proper remedy, and had failed. He had not been able to obtain that which would afford relief, viz., a free-trade in corn. He hoped that in the recess Government would endeavour to guard against the evils which were likely to arise In Scotland, in some parishes there were rates for the relief of the poor, and in others there were none. That part of the country deserved immediate attention. The letters which he had received expressed a degree of alarm and general gloom at the prospect that a large body of that hitherto industrious population would be utterly unemployed.

SUPPLY—MISCELLANEOUS ESTIMATES.] House in Committee of Supply.

On the question that 12,434*l.* be granted for the Lord-lieutenant of Ireland,

Mr. *Hume* objected, and referred to his proposal, seventeen years ago, to abolish the office of Lord-lieutenant. As it was understood that the present Lord-lieutenant was about to be withdrawn, he hoped that the right hon. Baronet would appoint no successor.

Sir *R. Peel*: As reference has been made to the Lord-lieutenant of Ireland, I may be allowed to say that, so far from there existing any intention to withdraw my noble Friend, his conduct has met with the most decided approbation of Government. He is about to leave Ireland, it is true, but only for a short time, and for the recovery of his health, which has suffered from too close application to the duties of his office— duties which are so numerous, and which he has so zealously discharged. His leave of absence will be short, for the recovery of that health which is so valuable to the public service.

Mr. *Hume* wished the noble Lord to be relieved altogether from such onerous and unhealthy duties in future.

Vote agreed to.

On the question that 35,630*l.* be granted for Non-conformist, Seceding, and Protestant Dissenting Ministers in Ireland.

Mr. *Hume* objected to it on two grounds —first, that to pay Dissenting Ministers in this way was contrary to the voluntary principle adhered to generally by that body; and secondly, that if the money were granted, it ought to be equally distributed in England, Scotland, and Ireland.

Dr. *Bowring* also urged, that to receive this money was contrary to the principles of Dissenters; it could only be taken by them upon undissenting principles.

Sir *R. Peel* congratulated the hon. and learned Member upon having introduced into our language a new word from his abundant stores of philology; he referred to the word "undissenting," which he had never heard before, and never wished to hear again.

Mr. *M. J. O'Connell* said, this was an old grant, and in justice to the loyal and respectable body it could not be taken away without much injury.

Vote agreed to.

Sir *G. Clerk* would next propose to take the notes in class No. 6 of the Miscellaneous Estimates, which included the vote for the Caledonian canal. A million had already been expended, and there was now a fair prospect that if the works were put into a perfect state the canal would be generally used, and the saving in insurance alone on vessels going north about, would amply remunerate any further expenditure that might still be required. The works might be completed in three years for 150,000*l.*, and he should therefore propose to take 50,000*l.* a year. The hon. Baronet concluded by moving a vote of 50,000*l.* towards the completion of the Caledonian Canal.

Mr. *Williams* described these works as a scandalous job. The canal had been open thirty years, was now in a very dilapidated condition, and could not be finished under 300,000*l.* If there were any chance of the canal being ever of any value, it might be some consolation, but he felt convinced it would never be worth anything.

Sir *R. Peel* concurred in much of what had been said by the hon. Member. He had formerly been opposed to the expenditure of the public money upon the undertaking, which he did not hesitate to say was a most absurd speculation. Had it not been for the application of steam navigation the canal would have been worth absolutely nothing. But the question was, whether it was not better to expend 150,000*l.*, with the hope of a profitable return, than 40,000*l.* for the purpose of destroying the works. He was reluctant to take the latter course. This much he would say, that if parties could not be found to contract for the whole works for the sum named, no part of the money should be laid out, and then it could be left to the House to determine whether they would destroy the works or not. Having, however, already spent 1,035,000*l.* on the work, his advice was to permit the Government to ascertain whether it was a *bonâ fide* estimate to complete the work.

Mr. *Hume* was satisfied that no one would be found to undertake the work on the proffered conditions. In 1822 he had recommended that the work be abandoned, and he thought the first expense was the best. The evidence of Captain Parry was conclusive that the work was hopeless.

Mr. *F. French* said, the work was strictly national as regarded Scotland, and the expense ought not to fall upon the United Kingdom, and he contended that no such advantages had been extended to Ireland.

Sir *R. Peel* said, that if an unwise and extravagant course had been taken in one part of the empire, that was no reason why the precedent should be followed in another.

Vote agreed to.

SUPPLY.—SYRIA.] On the motion that a sum of 60,000*l.* be granted to her Majesty, for a gratuity to the officers, marines, and seamen employed in the late war on the coast of Syria,

Mr. *Hume* wished to be informed of the reasons for this grant. He did not understand the principle of giving soldiers and sailors gratuities of this sort. We kept an army and a navy; and paid constantly for them; then why should they be paid extra when wanted? The Syrian expedition, he thought, had been a very improper one, and at all events there was no necessity for this extraordinary grant, similar to that which had been, in his opinion, so improperly awarded in the case of the "untoward" Navarino affair.

The *Chancellor of the Exchequer* thought his explanation would be deemed satisfactory. Every one would agree with him that it would be most improper, in discussing a question of this sort, to enter at all into the merits of the policy in furtherance of which, in obedience to orders which they disputed not, our gallant sailors had been engaged. The gallantry of our troops or of our sailors ought fairly to be considered with reference to what had been the prevailing custom of warfare. That custom had been, it was well known, to give a portion, at least, of all captures to the captors. Now, our soldiers and sailors had stormed and carried Acre with a skill and bravery which had been the admiration of Europe, and in the fortress had been found a great quantity of stores, &c. According to the old practice these stores would have been sold and the produce distributed among the captors. As, however, the goods were delivered along with the fortress to the power whose property they properly were, it was thought fair to give to our brave seamen and soldiers some compensation for the loss of what would, under ordinary circumstances, have become their lawful booty. There had been many parallel cases. In fact, the practice had been uniformly such as he had represented, and except in the case of Navarino, where a question of disobedience to orders arose, it had not been disputed. On the ground of precedent alone the grant was quite justifiable, but when it was considered that our forces had, in a few hours, taken a fortress which had baffled the most renowned and consummate generals of Europe, surely no one could grudge these gratuities. These were the circumstances under which he recommended the vote to the House, and he did trust, that when they considered the gallantry and good conduct of our troops, they would be of opinion that this gratuity was well deserved.

Lord *C. Hamilton* was of opinion, that the placing those officers and seamen on full pay during a time of peace was of itself a sufficient remuneration for all their services. He must say, he thought it rather curious that the good conduct and courage of the troops should be urged as a claim for extra pay. If it were to constitute such claim there were soldiers and sailors in other parts of the world equally deserving, or if they looked at home they would find plenty of operatives whose good conduct in an alarming period of distress merited every return at the hands of the Government. For his own part, he thought that if a gratuity was to be awarded at all, those soldiers and sailors had the better claim to it who had not had the opportunity of distinguishing themselves, and gaining the renown and honour attained by their comrades in Syria. The officers and sailors whose services they were now discussing had obtained the advantage of achieving for themselves high honour and distinction. Those of rank among them bore on their breasts glittering marks of the favour of the Sovereigns of Europe. Those in less elevated positions had achieved a credit which might be their proudest boast. It was those who were absent from the scene of such exploits who were to be pitied, and for whom, in his opinion, they ought rather to grant a gratuity.

Captain *Pechell* thought that the noble Lord should follow up his proposition, and instead of consenting to reward our foreign ambassadors and attachés, should propose to reward those noblemen and gentlemen who were disappointed of obtaining such honourable offices. The noble Lord seemed to desire that our forces should only be rewarded for the cannon and stores they absolutely captured. Let hon. Members recollect, however, that the Government always had a good haul at the prize-money before the soldiers and sailors could share it, and that it too frequently turned out a miserable pittance after all. As for being satisfied with their stars and orders, however much they might be esteemed, something more substantial was required; and with respect to the argument that full pay in peace was a sufficient reward for service, the noble Lord should recollect how many expenses a captain was put to when he took the command of a ship of war. Why, he was obliged to entertain ambassadors and to feast bishops, just as if he was a prince himself. [*Laughter.*] They might laugh, but there was a vote on the paper now of 93*l.* for the expense of carrying the Bishop of Exeter to the Scilly Isles. Who, he should like to know, entertained the right rev. Prelate on his passage? After all, the vote was hardly worth the conversation it occasioned. When the money came to be divided it would be a very poor pittance, and certainly a very inadequate reward to our brave marines for all the perils and dangers they had undergone.

Sir *Charles Napier* said, that the argument of the noble Lord was one of the most extraordinary he had ever heard in or out of the House. He wanted to reward those who were not present in Syria for no other reason than because they were absent. He would not propose a grant of the description now under discussion, but he was not prepared to vote against it. The noble Lord talked of promotions and honours and rewards being showered down upon the officers and men who were in Syria. True, they had been showered down, and in a very extraordinary manner, by both the late and present Governments. But he should like to ask the noble Lord what the men who did the service would receive? Why the money would not pay for the clothes which those men who were obliged to act both as soldiers and sailors had worn out in the service. Their prize-money would not buy them a pair of shoes, or a jacket and trousers. Would the committee grudge the little they were to have, then? He did not think that the British Government ought ultimately to pay these charges; they ought to go to the Turkish government, and get this sum of 60,000*l.* from them, and that government ought to think themselves lucky if it got off so cheap. The exertions of the allies had restored to the Turks a kingdom; and he was sorry for it, for he did not think that they deserved it. Also, a large fleet, of the salvage of which this sum of 60,000*l.* was a part. He thought the Government ought to propose three times this sum, and insist upon the Sultan paying the money for that fleet and all the stores which he got chiefly through the bravery of the British. The noble Lord had said it was not a war;—it was very much like one, as the Duke of Wellington had said. It was one of those "little wars" which the late Government had carried on, and he did not think that 60,000*l.* was too great a reward for the men who had fought in it.

Mr. *Hume* wished to know how many persons were to share in this gratuity? He found that there were 15,074 men and 50 ships in the Mediterranean at one particular time, at the beginning of the war. Were they all to share? He should like to know upon what plan the Government intended to proceed in the distribution of this money. He believed it would turn out that the seamen would receive about 4*s.* 6*d.* each. To call it a reward, then, was a mockery.

Sir *G. Cockburn* was somewhat surprised at the turn the debate had taken, and particularly at what had fallen from the noble Lord, with whom, however, he agreed so far as to believe that the officers and men serving in Syria, if they had known they were to receive no prize-money or gratuity whatever, would have done their duty, and been as bold and brave as they were on that occasion. It was certainly most proper for a nation like this to reward its officers and men when they had done their duty; it always had a good effect in awakening their zeal and stimulating their activity. But he had risen to explain to the hon. Member for Montrose that this grant was to be given to those officers and men only who were engaged in the war in Syria, for war it was. The gallant Commodore was mistaken if he thought that all the ships at Alexandria were to share in it. He was ready to admit that it was a very small sum; but at the same time it would be gratifying to those seamen who, as the gallant Commodore had said, acted both as soldiers and sailors. With regard to officers being satisfied when placed on full pay, and their anxiety to be employed, he would only remark that in almost every instance when a captain of the navy was appointed to a ship in time of peace, he was a loser and not a gainer by it. Some difficulty was experienced in manning those ships, the crews of which had behaved so gallantly, because they could have remained in the merchant service, but their cheerfulness and zeal in coming forward to serve their country were, he would not say unparalleled, but certainly pre-eminent amongst similar instances of British valour. The manner in which they ran down the enemy's coast, and took every fortified place one after the other, and then ended by that great operation, the taking of Acre, reflected the highest honour upon those who were engaged in that war, and upon the country generally; and therefore he must say that it would be unworthy of the House of Commons if they did not unanimously agree to this vote.

Vote agreed to.

The House resumed. Committee to sit again.

Adjourned at half-past one o'clock.

HOUSE OF LORDS,

Tuesday, July 26, 1842.

MINUTES.] BILLS. *Public.*—1^a Stamp Duties; Game Certificates (Ireland); St Briavel's Small Debts; Grand Jury Presentments; Joint Stock Banking Companies.

2^a Poor Law Amendment; Double Costs; Rivers (Ireland); Municipal Corporations; Election Petitions Trial; Wide Streets (Dublin); Fisheries (Ireland).

Committed and Reported.—Customs Acts Amendment; Exchequer Bills Preparation; Licensed Lunatic Asylums; Ecclesiastical Jurisdiction.

Reported.—Drainage (Ireland); Mines and Collieries.

3^a and passed:—County Courts (England); Linen Manufactures (Ireland).

Private.2^a National Floating Breakwater Company.

Reported—Lord Dinorben's Estate; Mersey Conservancy.

3^a and passed:—Southwark Improvement (No. 2); Hele's Charity (Lowe's) Estate; Street's Divorce.

PETITIONS PRESENTED. By the Earl of Galloway, from Schoolmasters of Jedburgh, Dunoon, Wigtown, and Hamilton, for better Remuneration.—From Rate Payers of Todmorden, Heworth, St. George the Martyr, Southwark, and Guardians of the Hemsley Union, against the Poor-law Amendment Bill.—From the Dean and others of the Diocese of Tuam; and from Inhabitants of Rathcorney and Tuney, for the Encouragement of Schools in connection with the Church Education Society.—From Inhabitants of Sudbury, to be heard by Counsel against the Sudbury Disfranchisement Bill.

AMENDMENT OF THE POOR-LAW.] The Duke of *Wellington* in rising to move the second reading of the Poor-law Amendment Bill said: My Lords, I was one of those who supported the Poor-law as it was introduced some years ago by my noble and learned Friend, and I did so on ascertaining the inconveniences and evils which attended the system of working under the old Poor-law up to that period; and being sensible that the only remedy which could be found for those evils and inconveniences was in the measure proposed by my noble and learned Friend. My Lords, I have since had the satisfaction of contemplating the working of the measure, which then became the law of the land, and I must say that I have been satisfied with its results. It has undoubtedly improved the condition of the working classes, and it certainly does place on a better footing the relations between the working classes and their employers. It has enabled those who had the care of them to provide better for the aged and destitute than has been hitherto the case, and it has in general given satisfaction throughout the country. My Lords, I don't mean to say that I approve of every act that has been done in carrying this bill into operation. I think that in many cases those who had charge of the working of the bill have gone too far, and that there was no occasion whatever for constructing buildings such as have acquired throughout the country the denomination of bastiles, and that it would have been perfectly easy to have established very efficient workhouses, without shutting out all view of what was passing exterior to the walls. I say, then, that in some respects, the system has been carried further than it ought to have been, and I shall also say, that its features have assumed a harsher character in some parts of the country than was necessary; but this has been owing, I must admit, in a great degree, to the adoption of another law by Parliament, I mean what is called the Dissenters' Marriage Act, the regulations depending on which were connected with the execution of the Poor-law Act, and rendered necessary the establishment of unions in many parts of the country which were not yet ripe for the formation of those unions. But notwithstanding the circumstances to which I have just now alluded, I must in general state my approbation of the working of this act. I have paid great attention to the subject. Wherever I have resided, I have attended the meetings of guardians of unions in my neighbourhood; I have visited several workhouses in different parts of England, and I must say I never visited one in which the management was not as good as could be expected in such districts of the country, and which did not give universal satisfaction. Under these circumstances I have great pleasure in moving the continuance of the existing Poor-law, particularly of the commission for five years longer. My right hon. Friend in the other House intended to propose at the same time the continuance of the commission and some provisions of a larger nature than those embraced in the present bill, for applying a remedy to many evils which required amendment in the original law and in the existing system. But as the Session is near its close, and the determination of the commission is approaching so nearly, it has been found impossible to carry the provisions I have alluded to during the present Session of Parliament. Therefore, the original amendments of many parts of the law have been struck out from that measure, which contains nothing but the continuance of the commission, and some few clauses for which it was deemed indispensable to provide. The first clause, as I have said, provides for the continuance of the commission for five years. The next provides that the number of assistant-commissioners shall be nine, and, at the same time, enables the commissioners, if they find it necessary, to appoint persons to make special inquiries. By the act of 1834 the commissioners were required to lay before the Secretary of State, and eventually before Parliament, any general rules they should make for carrying on the system of management of the poor throughout the country. Many rules laid down by the commissioners had been special rules, and, consequently, could not come within the knowledge of the Secretary of State and of Parliament. But this has since been prevented, and this bill contains a special enactment that those general rules should not be altered by special rules without the consent of the Secretary of State. It does not appear necessary to draw attention to any other parts of the bill. It embraces some important provisions for enabling the commissioners to act in accordance with the wishes of Parliament as intended in 1834. Any further steps that may be necessary for this purpose, will be submitted to Parliament in the next Session. The noble Duke concluded by moving the second reading of the bill.

Earl *Stanhope* said, that, as had been stated by the noble Duke, the present bill was only a fragment of that larger measure which the Government were either unable or unwilling to carry through in the present Session. It was hoped by many, and he was of the number, that a short bill continuing the power of the commissioners for one year, until the whole subject could be brought fully under the consideration of Parliament, would have sufficed, but it appeared, that Government must have the unconstitutional powers of the commissioners extended to five years—powers which, if asked for in the better time of constitutional freedom, would not have been allowed to be exercised even for a single day. It must be well known to their Lordships, that many of those who gave to Ministers a temporary and reluctant support on this occasion, had been returned to Parliament on their solemn pledge to oppose the renewal of the bill, as it had previously passed the Legislature. With respect to the Government, he must say, that though he was not prepared to expect, that a much greater share of relief would be given by them to the poor, than had been sanctioned by the previous Ministers, yet he owned he did not expect, that the present men in office would be prepared to bring on themselves a larger share of public odium than had belonged to their predecessors. The present were strange times, when men were called on to prove questions which heretofore required only to be stated, in order to receive a ready assent. Who would have thought, in the better times of our constitution, of deeming it necessary to prove, that the union in the same persons of such powers as were placed in the hands of the Poor-law commissioners, was not only unconstitutional, but illegal? As he was forced to do it, he would offer a few quotations from high authorities in support of his argument, Locke said, that—

> "The Legislature is empowered only to make laws, and not to make legislators."

Blackstone, speaking of the executive and legislative powers, observed,

> "Whenever those two powers are to be found together, there is an end of public liberty."

But he would go back to a more ancient and more venerable authority. Coke, in his reports, said—

> "When an Act of Parliament is against right or reason, or repugnant or impossible to be performed, the common law will control it, and adjudge such act to be void."

He would now come to modern authority, and he could not quote a higher than that of his noble and learned Friend, whom he regretted that he did not see in his place on the Woolsack. His noble and learned Friend (the Lord Chancellor) had said, in speaking of the powers which the Poor-law Amendment Act gave to the commissioners,

> "How is this system to be worked out? By investing with absolute power three commissioners. My Lords, this is a new mode of legislation; whether it is a wise one or not I leave to your Lordships' consideration, but it is one which may lead to the most inconvenient practical results. To invest a certain number of individuals with an absolute authority to carry such measures into effect, however convenient they may be to the Government of the day, is, in my opinion, an unsound and indefensible system of legislation. Mark, my Lords, the extraordinary powers which are to be intrusted to those commissioners. In the first place, they have the power to pass these laws. I do

not say they have the power themselves alone, but they can do so with the assistance of the Government for the time being. Nothing can be more objectionable. They have the power of enacting laws for the undisputed government and control of the people in the various workhouses, for the unlimited control, too, of the guardians, and for the entire management, in short, of every thing connected with the workhouses which it is proposed to establish, and, finally, they are empowered to pass such laws as they may think expedient; and for what purpose? Why, to carry this bill into effect."

The next opinion on this subject, which he would quote, was that of the noble and learned Lord, the Chief Baron of the Exchequer, who said—

> "With respect to the commissioners, he was decidedly opposed to the union of the legislative and executive power which it was proposed to repose in them. This was a delegation of authority—a sort of *imperium in imperio*, which he would never bring himself to allow. It was a new system of legislation—a species of despotism which it was his solemn conviction the country would never be brought to submit to."

He would next quote the opinion of a noble and learned Lord (Wynford), late the Chief Judge of the Court of Common Pleas, who must be held a very competent and high authority on all great legal questions. That noble and learned Lord, whose absence he regretted, had expressed himself very strongly on the power proposed to be given to the commissioners, and he had reason to know, that he was still of the same opinion which he expressed, when he delivered the speech from which he was about to read an extract; and he begged the attention of their Lordships to the graphic foresight with which the noble and learned Lord had predicted what would be the condition of the poor, if the bill then pending should pass.

> "It is impossible." said the noble and learned Lord, "to contemplate a more complete system of grinding slavery than this bill would subject the poor of this country to. They must eat, drink, sit, sleep, or work at the bidding of the commissioners; they will hardly be allowed to breathe the air or enjoy the light without their permission."

And he added,—

> "Pass this bill, and the poor of this country will become more complete slaves than were the villeins who formerly existed in England, or than the slaves in the West Indies."

To those quotations he would add the high authority of one whose death he should never cease to deplore—one whose attachment to the great institutions of his country was too well known to require comment from him,—he alluded to the late Lord Eldon, who described the Poor-law Amendment Bill as the most infamous law that had ever been enacted in any Christian land. He would entreat their Lordships to consider well the principle which they were upholding in enacting this law. Let them look at the manner in which it had been supported. It had had the support of many who were sent into Parliament on a pledge to oppose it, and who in violating that pledge had covered themselves with ignominy and disgrace. It was said, that the commissioners were to be continued only for five years, but their Lordships would find that the object aimed at was to render those powers perpetual. Was there, let him ask, any argument which could be used for continuing them which would not be equally applicable at the end of five or six years hence? The bill before them was, and was intended to be, an act for continuing and confirming the power of the dictators without any attempt to mitigate the system in its influence on the poor, or any effort made to appease their just resentment; and under what circumstances, let him ask, had the Ministers of the Crown the hardihood to bring forward this measure? It was in a period of distress the most awful and extensive which had afflicted the country for many years—distress so alarming in its character and effects, that if it were to extend much further, it would tear up all those bonds by which society was held together, and bring about revolution, bloodshed, and anarchy. This measure was brought forward at a time, too, when the distress already existing was aggravated by the Corn-law, and by what might be fairly expected to be the result of the new tariff, a measure which there was little doubt would drive hundreds—nay, thousands, out of employment. Accounts were every day received from the manufacturing districts of the increased and increasing numbers moving about destitute of work and of food—of many who had actually perished through want of food. Did their Lordships disbelieve or doubt any of those statements? Had any one of them been denied? It had been said, that none of this distress was caused by the Poor-law. That he denied. It was caused by the Poor-law, because many who had claims for relief would, and did, forego their claims rather than be relieved on the terms laid down by the Poor-law commissioners. The great object of the Poor-law seemed to be to render the grant of relief as odious as possible in the minds of the people. If there were any one subject on which the great majority of the community seemed to agree it was on the propriety, the justice, and humanity of not withholding out-of-door relief from the really destitute. On that subject the bill before their Lordships was as silent as the grave. Not a word was said about it; so that if distress extended—and it would extend, no doubt—the relief must be at the will and pleasure of the dictators of Somerset-house. No matter what the cause of the distress, whether it arose from improvidence or idleness, or whether it was caused by circumstances over which the poor man had no control,—it was treated in the same way by the commissioners. What was this but treating poverty as a crime, no matter what its cause? All were to get relief only by consenting to be immured in those prisons or workhouses which the noble Duke had admitted had acquired, and very properly acquired, the denomination of bastiles. [The Duke of *Wellington:* No, no.] He had understood the noble Duke to use the word "bastiles" as applying to the union workhouses.

The Duke of *Wellington:* No, no, no. My Lords, I must set the noble Earl right. When I said, "acquired the denomination of bastiles," I referred to the term as being given to them by the noble Earl himself.

Earl *Stanhope* would take the fact to be so, but from some cause they had acquired the denomination of bastiles. They were, however, worse than bastiles. They were not erected for confining political offenders. No *lettres de cachet* sent a man there for any state offence. The crime for which men were sent to these modern bastiles was that of being poor. It would be well for the poor if these were bastiles in the French sense of the term, but he repeated, that in the mode of confinement, in the restriction of liberty, in the quantity and quality of food, the treatment of the poor in the union workhouses was worse than that of any bastile. The commissioners stated in their reports that the great object of the new law was to abolish out-door relief. In 1835 it was proposed to discontinue out-door relief altogether, but if that had been adopted, the Poor-law would long have ceased to exist, and the two Houses of Parliament also. It was singular to observe to what inconsistent arguments those persons were reduced who were driven to find apologies for the continuance of this bad law. He conceived it to be admitted—he spoke with all doubt—by his noble Friend the illustrious Duke near him, that the system had been carried too far and extended too rapidly. It was not denied by its most eager advocates that some of the regulations of the union workhouses were as unnecessary as they were revolting to our feelings; but it was said at the same time that they furnished a good test of destitution, the existence of which could not be ascertained without workhouses. When the opponents of the law, on the other hand, represented the intolerable injustice of forcing people into these workhouses, his noble Friend the Lord-lieutenant of Cambridgeshire told them that they were comfortable asylums for the poor, the aged, and the helpless. If that were true, how could they serve as tests of destitution? Again, the refusal of out-door relief was stated to be the chief feature of the Poor-law Amendment Act, and yet, after all, they were told that outdoor relief was still granted to a very considerable extent. That was undoubtedly the case, but what did it prove? That the authors of the plan found it impossible to carry into effect the principles which they themselves had adopted, and shrank from carrying out the workhouse test in its full extent. He knew it had been said, among other apologies for the measure, that it had tended to exalt the character of the labouring poor. Let their Lordships look to official documents, and they would find, that since the enactment of this New Poor-law, there had been an enormous, a most melancholy, a most fearful increase of crime. He was grieved to hear it said by his noble Friend, the noble Duke who moved the second reading of the bill now before their Lordships, that it had tended to improve the condition of the labourers. The situation of the labourers must, of course, vary to some extent in different districts; but he must say, that they were now, except when fully employed and earning full wages, in a more lamentable state of destitution all over the country than they ever had been before, so far as his recollection extended. As to the economy of the measure, he would say nothing of the state of the agricultural districts, for in them there was no proper standard of comparison; but he knew a parish in the county of Surrey, in which, at the passing of the act, the poor-rates stood at 3*s.* in the pound, the same as they had been for sixty years previously, but now they were at 11*s.* in the pound. They were told, that it was a principle of English law that no wrong could exist without its remedy; but what redress were the poor of this country allowed against those who inflicted wrongs on them? It was adding insult to injury to tell the poor man whose attention was absorbed by providing the means of daily sustenance, that he might move the Court of Queen's Bench for a writ of *certiorari.* He did not think that such a writ could issue if it were proved in any case that the guardians had acted in strict conformity with the rules, orders, and regulations received from the Poor-law commissioners, which, according to the words of the act, were to have the force and authority of law. Repeated cases of misconduct on the part of those functionaries had come before the public; and what in that case had been the conduct of the commissioners? They had been judges in their own cause, which had been investigated by the assistant-commissioners, and by the very boards of guardians against whom complaint had been made. He was aware, that, as had been pointed out by the noble Duke, a clause in this bill declared that no assistant-commissioner should, in future, be so employed. That was true enough; to employ an assistant-commissioner would be too glaring, but the commissioners might employ any person whom they chose to select, not being an assistant-commissioner, with the assent of the Secretary of State. Their Lordships must be aware, that not a few, but innumerable cases had occurred, in which petty offences had been committed in order that those who committed them might find refuge in a gaol. A gaol, with all its terrors, appeared to them to be preferable to the comfortable asylum provided by the commissioners. Such was the injustice of the New Poor-law, that it made mental and physical distress, moral degradation, and political disaffection, equally penal and productive of the same consequences. Under the operation of that atrocious statute, which Lord Eldon properly termed the most infamous act ever passed in a Christian country, injustice had been inflicted, cruelties and crimes had been committed, which it was out of human power to remedy. The Legislature might regret their proceedings, they might wish to retrace their steps, they might even repeal this law, but they would not be able to recall to life those who had been murdered in those new prisons. He spoke not unadvisedly, he used not rashly, or without due consideration, the term "murder." In order to be guilty of murder, it was not necessary to administer a deadly poison, or inflict a mortal wound. That crime was committed when any human being placed another, knowingly and willingly, in circumstances in which death must be the inevitable consequence. It was said last Session by the first Minister of the Crown, that this system was to be considered in the light of an experiment. It was, indeed, an experiment on the patience of the people, but one that would probably fail. Human patience and endurance had their limits; there was no animal so senseless which a long succession of ill-treatment might not drive at length to act in self-defence. The most dreadful and atrocious cruelties, the most flagrant and intolerable enormities, had been perpetrated under this act—oppressions which infinitely exceeded that of ship money, which led to the great rebellion, and brought Charles 1st to the scaffold. What were the ordinances of Charles 10th of France? They were undoubtedly a violation of the constitution granted to his subjects, but no practical evil had yet been found to flow from them, when the monarch was hurled from his throne, driven with his family into exile, and his heirs excluded from the succession. Could it be supposed, in the face of these historical facts, that the dictators of Somerset-house would be allowed to continue in the enjoyment of the power which they had unjustly, and, he thought, illegally acquired, and which they exercised with so much tyranny and oppression? If that power was destined to continue, then let nothing more be said of the British constitution being the envy and admiration of surrounding nations; let it be rather considered in its present state as a constitution which necessarily required an extensive and organic reform. Whatever calamities and convulsions might ensue, and convulsions must follow. [The Duke of *Wellington:* Hear.] He rejoiced that the noble Duke had heard it, for he could not hear it too frequently or too forcibly declared. [The Duke of *Wellington:* I admire it.] The noble Duke will hear it in a voice of thunder from the people. Before sitting down, he would implore their Lordships to consider well what would be, what must be, and what ought to be, the fate of that House, of their Lordships, individually and collectively, and of all the institutions of this country, it being weighed in the balance they should be found wanting. It was unnecessary for him, having so fully delivered his sentiments on this subject on former occasions, to trespass longer on their Lordships' time. He would move, that the bill be read a second time that day six months.

Lord *Brougham* quite concurred in the last observation of the noble Earl, and would be disposed to adopt the course which it pointed out. He had had so many opportunities of discussing this question, and of meeting his noble Friend on the grounds on which he had so long carried on his opposition to this bill — he had so repeatedly urged similar answers to the repeated and similar arguments of the noble Earl, that he did not think that it would be necessary for him to go, at present, into the general question. It would have been incumbent upon him, as a friend of the measure before the House, as orignally a promoter and ever after a supporter of that measure, on the grounds of the general good which it had, on the whole, effected, and the highly beneficial results it had produced towards those whose condition was the main object of its enactments—the labouring classes — it would have been incumbent upon him, as such a promoter, and as such a supporter, if the noble Earl had brought forward anything new, if he had varied those charges which they had so often heard proceeding from him, if he had even materially varied the language in which those charges were couched, if he had spared a few epithets, and abstained from a little vituperation, or replaced it with new reasons—if he had brought forward facts, or specific charges founded upon fact,either against the provisions of the measure, or against the conduct of those by whom those provisions were carried into practice—if such had been the course taken by the noble Earl, he too might have been bound to enter now at large into the question. But their Lordships would suffer him to observe, with respect to the lack of specific charges and statement of facts, on former occasions, that, when the noble Earl was reminded of this lack, and when, pressed for particulars, he at length did bring forward specific charges, they were met, readily and at once to the entire satisfaction of their Lordships; and now, after having answered the particular charges then brought against the measure —after having defended it to their Lordships' satisfaction, they were only met with a repetition of wholesale, undefined attacks, and all the former vague generalities, without the former specific charges, and facts. With reference to the latter part of the noble Earl's speech, it was not, for him, unusually immoderate. Such speeches were supported by precedent, but it was he who had furnished, and he alone who had followed this precedent—who had pursued the system of making appeals to the passions of the people, by advancing such charges as that of murder, and enunciating such anticipations as those of impending rebellion; a species of prophecy which, more than any other, tended towards its own accomplishment. The noble Earl talked of both Houses of Parliament being exposed to the highest risk from the excited state of the feeling in the country upon the subject of the Poor-law; but while the noble Earl advanced such opinions, he certainly took no pains to allay that feeling which he affected to deplore, and possibly did dread. He would appeal to their Lordships—he would appeal to the noble Lord himself, whether, in his calmer moments, if, indeed, upon this subject, who was visited with calmer moments, whether he would not lament having ever used the expressions which he had just uttered. But he did not believe that the good sense of the people, or the feelings of the most suffering portion of the people, would so far be led away by such declamations, as to make them forget, as others had forgotten, their duty to the peace of the country — their duty to the law of the land—their duty as good subjects to the Crown, as good citizens to their families, and as prudent men to themselves.

Original motion carried without a division. Bill read a second time, and ordered to be committed on Thursday.

County Courts.] The Earl of *Shaftesbury* moved the third reading of the County Courts Bill.

Lord *Campbell* objected most strongly to some of the provisions of this bill, but, in consequence of the absence of his noble and learned Friend, the Lord Chancellor, he should not do further than enter his protest against certain parts of it.

Lord *Brougham* approved of the bill, as a step in advance in the right direction, and a very important and valuable step; but lamented, with his noble and learned Friend, that it did not go much further, retaining his decided preference for the principle of his (Lord Brougham's) Local Courts Bill of 1833.

Lord *Cottenham* thought that, so far as this bill went to establish county courts it was good, but he feared that the machinery which would be established under it would tend to prevent or impede other most important improvements in the administration of the law.

Bill read a third time and passed.

Adjourned.

HOUSE OF COMMONS,

Tuesday, July 26, 1842.

MINUTES.] BILLS. *Public.*—2°· Tobacco Regulations; Western Australia; Dublin Boundaries.

Reported.—Parish Constables.

3°· and passed:—Bonded Corn (No. 2); Assessed Taxes (No. 2); Colonial Passengers.

Private.—1°· Street's Divorce; Hele's Charity (Lowes) Estate.

3°· and passed:—Bishop of Derry's Estate.

PETITIONS PRESENTED. From the Ward of Bridge Within, London, for Redemption of the Tolls on Waterloo and the other Metropolitan Bridges.—From R. S. Wilkes, in favour of the Poor-law Amendment Bill.—From J. Minter Morgan, for adopting his plan to Employ the Poor.

BIRMINGHAM SCHOOL.] Sir *E. Wilmot* moved the third reading of the Birmingham School Estate Bill.

Bill read a third time.

Mr. *Wyse* rose, pursuant to notice, to move the addition of three clauses to the bill by way of rider. The clauses which he meant to propose were most important, their objects being greatly to extend the benefits of the institution. It was intended by the first clause to give a different and a more liberal character to the governing body, by admitting five members to be elected by the town-council of Birmingham to act as governors; the second clause provided for a more satisfactory mode of furnishing and auditing the accounts; and the third empowered the governors to increase the number of schools for the elementary education of the children of the poorer inhabitants of Birmingham. As this appeal on behalf of the charity was made under an Administration that professed itself to be favourable to the general diffusion of education, and the head of which had declared his anxiety to remove proved abuses, he trusted that he should have the support of hon. Gentlemen opposite. The following were the clauses:—

"1. That the governing body of trustees of the said charity shall be increased by the addition of five governors, and that the five additional governors, being persons qualified as the governors are now required to be qualified, shall be elected by the town-council of the borough of Birmingham; and that whenever a vacancy shall occur in the number of such additional governors, such vacancy shall be filled up in like manner by the said town-council."

"2. That the accounts of the said governors shall be annually audited by the bailiff of the said charity, and by the auditors of the borough of Birmingham.

"3. That the governors of the said charity shall be, and they are hereby empowered to increase from time to time the number of schools for the elementary education of the male and female children of the poorer inhabitants of the borough of Birmingham, in any part of the borough, whenever such increase may be conveniently made."

Clauses read a first time.

On the question that clause 1st be read a second time,

Sir *E. Wilmot* opposed it. He argued that there was no necessity for altering the constitution of the governing body, which included amongst its members three or four magistrates of the county and several clergymen. It was altogether composed of persons of the highest respectability.

Mr. *Brotherton* was in favour of the three clauses brought forward by the hon. Member. Under the provisions proposed by the hon. Member facilities would be given for the education of the poor, by means of this charity, which did not now exist. Charities of this nature throughout the country had been much abused. In them the aristocracy, and not the poor, for whose benefit they were intended, were educated. By educating the rich instead of the poor at these institutions, the intention of those by whom they had been founded were grossly violated.

Sir *C. Douglas* opposed the clause. In his opinion, the constitution of the school required no alteration.

Mr. *Protheroe* was of opinion that the proposed clauses ought to be agreed to The first clause was very important and ought to command support, inasmuch as it was better to have an elective governing body than one that was entirely self-elected.

Sir *R. Inglis* defended the present constitution of the charity. To show that it was not conducted upon exclusive principles, it was only necessary to state that 450 children of Dissenters derived benefit from it. As the select committee to whom the bill had been referred, and to whom the House had delegated its powers, had negatived the propositions of the hon. Member, it would be unparliamentary to interfere with their decision.

Mr. *W. Williams* supported the clauses, and ascribed to the select committee some degree of political bias in deciding with reference to these propositions as they had done.

The House divided on the question that the clause be read a second time:—Ayes 41; Noes 96: Majority 55.

List of the Ayes.

Aldam, W.
Barclay, D.
Bowring, Dr.
Brotherton, J.
Bryan, G.
Clements, Visct.
Cobden, R.
Colebrooke, Sir T. E.
Duncombe, T.
Easthope, Sir J.
Ebrington, Visct.
Ellice, right. hon. E.
Forster, M.
French, F.
Gibson, T. M.
Hastie, A.
Hawes, B.
Hindley, C.
Hume, J.
Mangles, R. D.
Morris, D.
Morison, Gen.
Napier, Sir C.
O'Connell, D.
O'Connell, M. J.
O'Conor, Don
Pechell, Capt.
Philips, M.
Seymour, Sir H. B.
Smith, rt. hon. R. V.
Tancred, H. W.
Thornely, T.
Tufnell, H.
Villiers, hon. C.
Wall, C. B.
Wawn, J. T.
Williams, W.
Wilshere, W.
Wood, G. W.
Wrightson, W. B.
Yorke, H. R.

TELLERS.

Protheroe, E.
Wyse, T.

List of the Noes.

Acland, Sir T. D.
Acland, T. D.
A'Court, Capt.
Allix, J. P.
Arkwright, G.
Astell, W.
Baring, hon. W. B.
Baring, H. B.
Beckett, W.
Blackburne, J. I.
Blackstone, W. S.
Boldero, H. G.
Bradshaw, J.
Broadley, H.
Broadwood, H.
Brownrigg, J. S.
Bruce, Lord E.
Burdett, Sir F.
Burrell, Sir C. M.
Burroughes, H. N.
Chelsea, Visct.
Chute, W. L. W.
Clerk, Sir G.
Clive, hon. R. H.
Collett, W. R.
Colquhoun, J. C.
Courtenay, Lord
Cripps, W.
Damer, hon. Col.
Darby, G.
Dawnay, hn. W. H.
D'Israeli, B.
Douglas, Sir H.
Escott, B.
Estcourt, T. G. B.
Farnham, E. B.
Ferguson, Sir R. A.
Fitzroy, Capt.
Flower, Sir J.
Follett, Sir W. W.
Forbes, W.
Fremantle, Sir T.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gladstone, T.
Gordon, hon. Capt.
Gore, W. R. O.
Goulburn, rt. hon. H.
Grant, Sir A. C.
Greene, T.
Grimston, Visct.
Hardy, J.
Hawkes, T.
Henley, J. W.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Hope, hon. C.
Hughes, W. B.
Hussey, T.
Inglis, Sir R. H.
Irving, J.
Jermyn, Earl
Jolliffe, Sir W. G. H.
Jones, Capt.
Kemble, H.
Knatchbull, rt. h. Sir E.
Knight, F. W.
Knightley, Sir C.
Lefroy, A.
Litton, E.
Lowther, J. H.
Lyall, G.
Lygon, hon. Gen.
Maclean, D.
Masterman, J.
Meynell, Capt.
Mundy, E. M.
Norreys, Lord
Packe, C. W.
Pakington, J. S.
Peel, rt. hon. Sir R
Pollington, Visct.
Pringle, A.
Richards, R.
Rose, rt. hon. Sir G.
Rushbrooke, Col.
Sandon, Visct.
Sheppard, T.
Somerset, Lord G.
Stanley, Lord
Stewart, J.
Taylor, J. A.
Thornhill, G.
Young, J.

TELLERS.

Wilmot, Sir E.
Douglas, Sir C.

Other clauses negatived.

Bill passed.

Sir Sydney Smith—Public Honours.] Sir *F. Burdett* said, he had given notice of a motion for calling the attention of the House to the propriety of erecting a testimonial to the great merits and services of Sir Sydney Smith. On a former occasion when he was about to introduce that subject it had been announced to him by the noble Lord the late Secretary for the Colonies, that her Majesty's Government were fully aware of the important services rendered to the country by that distinguished officer, and that they were ready themselves to adopt measures for carrying his object into effect. He need not say how great his disappointment had been that no steps had yet been taken in pursuance of that engagement; at the present period of the Session he could scarcely hope to be enabled to bring forward the subject, and, therefore, he wished to know whether the right hon. Baronet the First Lord of the Treasury, felt in common with the late Government upon this matter, and whether he felt disposed to redeem the pledge given by his predecessors in office?

Sir *R. Peel* said, that nothing could be more becoming than the conduct of his hon. Friend in this matter, which he was induced to take up from his respect for the memory of a gallant officer in her Majesty's service. In the last Parliament his hon. Friend had given notice, that he should move the House to present an address to the Crown, praying that a testimonial should be erected to the memory of Sir Sydney Smith; and he was induced to forego that intention solely by an assurance given by the noble Lord, the Member for London, on the part of her Majesty's Government, that they would themselves undertake to propose to Parliament that such a testimonial should be erected. The noble Lord added in his place in Parliament, that her Majesty's Government had considered whether other claims of a similar nature might be preferred; that on reviewing the different claims which on such a precedent might be brought forward, they felt that the services of Sir Sydney Smith, Lord Exmouth, and Admiral De Saumarez were equally entitled to commemoration; and therefore it was their intention that a testimonial should be erected to each of those gallant officers. He certainly felt himself under obligations to fulfil an engagement, undertaken under such circumstances by the noble Lord as her Majesty's representative in that House; and he had no difficulty in assuring his hon. Friend that he would propose an address to the Crown with that view. In his opinion, the discretion exercised by the late Government had been a wise one; he did not mean to go beyond the limits they prescribed.

Mr. *Brotherton* entered his most decided protest against any grant of public money for such a purpose.

Mr. *Hawes* asked, whether it was the intention of the Government to propose a vote for these memorials in the course of the present Session? If so, he should also move that the claims of Herschell and Watt be considered. It was time that some monument should be erected to men who had performed civil services, as well as to warriors.

Sir *R. Peel* said, that after the delay which had taken place, and after the public assurance given by the late Government, he was unwilling to allow any further delay to occur.

Mr. *Hume* inquired what public assurance had been given by the late Government? All that he recollected was, that Lord J. Russell said he would take the circumstance into consideration, as there might be other individuals entitled to memorials as well as Sir Sydney Smith.

Sir *R. Peel* said, that if the hon. Member did not know what public assurance had been given by the late Government, he would inform him. A question similar to that put to him was put to Lord J. Russell on the 18th of June last year, and this was the public assurance given by the noble Lord:—

> "It was understood that some description of monument should be erected to Sir Sydney Smith, and the expenditure defrayed out of the public funds; but, upon taking the matter further into consideration, the cases of some other officers who had also been in engaged the service of the country were brought before the Government; and there were two of those cases, which seemed to be of sufficient importance to induce the Government to consider whether, in those instances, as well as in the instance of Sir Sydney Smith, it would not be proper to erect monuments at the public expense. He alluded to Lords Exmouth and De Saumarez. If the session had proceeded in the ordinary manner, it was his intention either to have taken out of the civil contingencies a sum sufficient for the erection of the proposed monuments, or to have obtained the amount by a separate vote in the miscellaneous estimates. The hon. Baronet was, however, aware that an interruption had occurred in the ordinary proceedings of public business; and, for that reason, Government had thought it better not to bring forward any supplementary estimates, but merely to take those which were necessary for carrying on the public service. But it was the intention of the Government to ask for a grant for the erection of monuments to the gallant individuals he had named. Sir F. Burdett.—Then I still understand the noble Lord to be of the same opinion as to the propriety of erecting a monument to Sir Sydney Smith? Lord J. Russell.—I am. Sir F. Burdett.—That intention is not given up or abandoned? Lord J. Russell.—It is not."

This was the public declaration made by the late Government of their intention to erect monuments to those distinguished individuals.

Subject at an end.

ANGLO-PORTUGUESE LEGION.] Mr. *Labouchere* inquired whether there was any hope of the officers and soldiers who had served in the army of liberation in Portugal, receiving the amount of their claims under the mixed commission?

Sir *R. Peel* said, that the Government had, in their communications with foreign countries to contend, in more than an ordinary degree, against the disadvantages resulting from the changes in the governments of those countries during the progress of negotiations. This was the case with respect to Portugal; but he had the satisfaction of stating, that he believed the new Ministry had made arrangements for the payment, in half-yearly instalments, of the sum due to the individuals to whom the hon. Member had alluded. Of course, it would be a question in what proportion the money should be applied to the payment of those whose claims might be adjudicated on. This was matter for consideration; but it appeared most equitable and just to provide for those whose demands were of the least amount, and the settlement of which might, therefore, be presumed to be of the greatest importance to the parties. Nothing, however, upon this point was decided on; but he had every reason to hope, that the Portuguese Government had made a final arrangement for the acquittal of the sums due.

DONEGAL GRAND JURY.] Lord *Clements* hoped that he should meet with the indulgence of the House in bringing before it a matter of a personal nature, and one which not only touched his character, but also that of the learned Chief Remembrancer of Ireland. In answer to statements that he had made on the 30th of June, relative to abuses which had taken place in the county of Donegal in the administration of the grand jury laws, the learned Recorder of Dublin had taken upon himself to contradict statements he had made relative to a forgery he had alleged to have been committed, and the learned Recorder stated that he did so upon the authority of the Chief Remembrancer, Mr. Blake. He, therefore, thought it his duty to write to that learned gentleman to know if this was correct, and he would by the permission of the House read these letters. The first was from him to Mr. Blake:—

(Copy.)

" *London, July*, 13, 1842.

"Dear Mr. Blake—I hope that you will excuse me for again troubling you. But Mr. Shaw stated in the House of Commons words to the following effect:—'Mr. Shaw wished only to say in corroboration of what had fallen from the hon. Member for Donegal, and in justice to the gentlemen who were attacked, that Mr. Blake had expressed to him the greatest astonishment that the noble Lord should have designated the transaction he had so long dwelt upon as a forgery; there was an irregularity in the act of the public officer, but it was neither a fraud nor a moral offence; under these circumstances, he saw not justification for the noble Lord in the strong terms that he used.' You will oblige me very much by informing me if this be true, or if you said anything to Mr. Shaw which could authorise his making the above statement.

"Believe me your's very faithfully,

"CLEMENTS.

"The Right Hon. Anthony Blake, &c. &c. &c."

To this Mr. Blake sent the following reply—

(Copy.)

" *Dublin Castle, July* 16, 1842.

"My dear Lord—I have received your note of the 13th instant. There appears to be a misunderstanding as to the conversation which I had with Mr. Shaw. It took place, I think, casually after dinner at the Queen's Inn, where he and I had been dining as benchers. He mentioned your having spoken of the secretary of the grand jury of Donegal as having been convicted by or before me of forgery, and it was at that that I expressed in surprise. I stated that I had no jurisdiction over the secretary of the grand jury; that I could only examine him with reference to the county treasurers account; that I did examine him with reference to it, and that he admitted before me having put a man's name to a receipt, having drawn the amount without his authority, and having applied it for some time to his own purposes, but that he afterwards paid it to the person entitled to it; that I thought these circumstances ought to be brought under the notice of those to whom he was amenable for his conduct, which he was not to me; that I had called their attention to it; that as I had no right to try him for any crime, and did not, it would have been very improper in me, particularly when speaking judicially, to declare him guilty of forgery, or fraud, or any moral offence, and that I accordingly abstained from doing so. This, I am certain, is the substance of what I stated. It corresponds with the original minute which I made in the matter, a copy of which has been printed by order of the House of Commons, and from which the following is an extract:—'Mr. Spence admitted that the mark of Owen M'Daid was put to the receipt, not by M'Daid, but by him. He admitted that M'Daid could read and write, and had given him no authority to sign his name, or put his mark to the receipt. He stated that the money was payable, not to M'Daid, but to John Dogherty, who had done the work for which the presentment had been made That after Spring Assizes, 1840, he (Spence) delivered the receipt to the treasurer, and received a draft from him for the amount drawn in favour of M'Daid, or order; that he endorsed the draft in M'Daid's name, and drew the amount from the county bank; that he applied the money to his own purposes; and that he paid the amount, after Summer Assizes, to John Dogherty, who had done the work. I examined M'Daid, who admitted that he authorized Dogherty to receive the money. I also examined Dogherty, who admitted that he had received the money after Summer Assizes from Mr. Spence. Mr. Spence stated that the treasurer was not cognizant of the circumstances. As the money payable to M'Daid has, with his privity and consent, been paid to Dogherty, I have suffered the credit which I gave the treasurer for it to stand; but I deem it necessary that the attention both of the court and the grand jury should be called to the subject at the ensuing assizes.' With this minute fresh in my recollection, I could not have intended to exculpate Mr. Spense. I meant only to exculpate myself. I do not think any person, in the exercise of judicial functions, should ever declare any person guilty of a crime, unless bound to do so upon that person's being tried for crime before him. The notion that Mr. Spence had been convicted of forgery by, or before me, might imply that I had pronounced him so. It was against this supposition I was anxious to protest, without meaning at all to express surprise at your designating the act as forgery, or to pronounce on Mr. Spence's conduct. It was the opinion of the late and present law officers of the Crown, and it was mine, as you are already aware, that after M'Daid had adopted the acts of Spence, a prosecution for forgery, with intent to defraud, could not be maintained, but it was competent to the judge and the grand jury, and to them only, to go into the case with a view to Mr. Spence's continuance or dismissal from office, or being mulct of his salary, and to them I left it, as it was my duty to do.

(Signed) "A. R. Blake."

He need only add that it will be in the recollection of the House, that the time of his making use of the word "convicted" was not in his speech on the 30th of June, but at the time of his putting a question to the noble Lord the Secretary for Ireland, to know if it was the intention of the Government to prosecute Mr. Spence in consequence of what had taken place before Mr. Blake. The noble Lord understood his meaning, and answered his question to his satisfaction. He admitted that the word "convicted" might imply more than he intended should be understood; but it was made use of only in the question to the noble Lord, and not in his speech on the 30th of June. Therefore he could not admit that the learned Recorder of Dublin was in any way justified in making the statements he did, or deny that a forgery had been committed, when there was not a shadow of a doubt that such had been the case.

The Rev. Mr. Melvill.] On the first Order of the Day being moved,

Mr. *Kemble* said, he hoped that he might be allowed to vindicate the character of a near and very dear relative, upon whom he conceived an aspersion had been thrown by the hon. Gentleman opposite (Mr. M. Gibson) in the speech which he had made upon his motion inquiring into the distress of the country — the Rev. Henry Melvill. He did not believe that the hon. Gentleman meant to say anything prejudicial to the character of that gentleman, but, at the same time, he thought his views might receive an unfavourable construction. It might appear, from the hon. Gentleman's speech, that he was a mere political person, whose object it was to ingratiate himself with the Government by supporting their measures. In the course of his speech, the hon. Member quoted very largely from a sermon of the rev. Gentleman, which had been reported in a publication called the *Pulpit*. Now it was not fair that a clergyman should be made responsible for certain expressions reported to have been used by him, and published without his sanction. At the same time there was no man more capable of defending himself, or less likely to shrink from the responsibility of any expression he might have uttered, than that rev. gentleman. The allusion to the Corn-laws which had been quoted was merely used by Mr. Melvill incidentally in the course of his sermon, and addressed to his hearers in the ordinary discharge of his duty, and they had occurred in a sermon preached on the occasion of the Queen's letter, when he undertook to advocate the cause of the distressed manufactures. That the House might see there was no want of sympathy or warmth in the cause on the part of the preacher, he might mention that the collection after the sermon in question was no less than 230*l.* The hon. Member opposite in the course of his speech had represented his rev. friend as a gentleman in connection with the Government. If that were the case, he did not know that that was any discredit, but upon that point he might say he knew not what was alluded to. The rev. gentleman had received no favour from the Government. If the chaplaincy to the

Tower was pointed at, the rev. gentleman had received that appointment from the Duke of Wellington, not as a Member of the administration, but as constable of the Tower, and before the present administration came into office. Mr. Melvill certainly placed great value upon that appointment, receiving it as he did, unsolicited, from the hands of that illustrious individual. The hon. Member had appeared to insinuate that the clergy had a pecuniary interest in supporting the Corn-law. [" Order."]

The *Speaker* intimated that the hon. Member was out of order in replying to what had been said in a former debate.

Mr. *Kemble* said his object was not to answer generally, but to show that the observation could not have reference to the Rev. Mr. Melvill, and that that gentleman could not be influenced by pecuniary motives in regard to tithes, as his income arose from pew rents. It was not for him then to express any opininion whether or not the clergy should interfere with politics; but at all events, no man could be less liable to such a charge than Mr. Melvill, who had never attended any political meeting, nor had in any way made himself conspicuous in politics. The character of that gentleman, however, was too well known to need any defence from him. Wherever Mr. Melvill was known he was most highly esteemed.

Mr. M. *Gibson* declared, that in what he had said he had not been influenced by the slightest wish to cast any reflections upon the personal character of the Rev. Mr. Melvill. On the contrary, the language he had held was rather eulogistic than otherwise, for he had described him as a distinguished and talented clergyman, enjoying the confidence and respect of his congregation. With regard to the publication in the *Pulpit* of the sermon alluded to, the only question was, as to the accuracy of the report. He believed that the sermon as quoted to be as nearly as possible *verbatim* the sermon of Mr. Melvill, and it did not appear that the hon. Member disputed the accuracy of the report. As a Member of Parliament he had a right to express an opinion upon the doctrine propounded in the pulpit by a clergyman of the Established Church. The Established Church rested upon the foundation of an act of Parliament, and Parliament, he conceived, had something to do, if not with the religious doctrines, at least with the doctrines of political economy, which a clergyman of that church might think proper to promulgate. If the clergy were to teach political economy, the House ought to take some steps by which a sound system should be taught. He appealed to the hon. Member for Oxford—that hon. Member would tell them that one of the advantages of an Established Church was uniformity. If it were intended that the clergy should teach political economy, there ought to be articles of the science drawn up, and a standard of faith established. [" Order."] If a discussion was revived and allusion made to what had fallen from an hon. Member in a former debate, surely it was but just and fair that an opportunity should be given to him of reply. He appealed, then, to the hon. Baronet the Member for Oxford, whether, if the clergy were to teach political economy, it was not necessary that articles of that branch of political science should be drawn up, and a standard of faith established, so that something definite might be communicated to the people through the medium of the clergy. He spoke of Mr. Melvill with respect; but when that gentleman was in his pulpit he was public property, and was responsible to that House and to Parliament for the doctrines he chose to disseminate from thence. What, then, became of the connection between Church and State? Much had been said of that connection, and here was a point at issue between the Church and State. He contended that it was a misapplication of the funds of the Church, if not of the public estate, and a misuse of the functions of the clergy, to make the pulpit the vehicle for supporting the Corn-laws, or particular views of political economy. The Anti-Corn-law league, when they employed lecturers, subscribed and supported them. Let hon. Gentlemen opposite do the same if they pleased; let them employ and pay lecturers out of their own private funds; but they must not sanction the dissemination, by the clergy of the Established Church, of particular views of the Corn-law question. He adhered strictly to the opinion he had before expressed with regard to the sermon of Mr. Melvill. He had not said that that rev. gentleman had individually a pecuniary interest in supporting the Corn-law; but what he had said was this;—that if the clergy, mentioning the Corn-law, said, as Mr. Melvill had, that it was essential for the support of the national piety that that law should be maintained, their congregations might put to themselves this question—Had not the clergy a pecuniary interest in the support of this law? was it certain that they taught that doctrine with motives perfectly disinterested and pure? That was the view he had taken. The hon. Member for Surrey had said that Mr. Melvill did not generally meddle in politics—that he was not a leading political partisan. If that were the case, his opinions were the more likely to have weight and influence, and the consequence of his preaching such sermons as that in question was the more to be apprehended, on account of his influence with his congregation. He therefore protested against this system of upholding the Corn-laws by means of the pulpit of the Established Church. As to Mr. Melvill being in close connection with the Government, he agreed with the hon. Member for Surrey that things would have come to a pretty pass, if that circumstance was to be considered as a slur upon the character of a respected and venerated clergyman. So far from thinking it a slur, he thought that, agreeing with the Government in politics, it was an honour to the clergyman that he was known to have their confidence; and he viewed the appointment of Mr. Melvill to the chaplaincy of the Tower by the Duke of Wellington, who was known to have great influence in the Cabinet, although he held no particular office, as a testimony that Mr. Melvill did enjoy the confidence of her Majesty's Government. He should not have occupied the time of the House had he not been called up by the speech just delivered; but he wished it to be understood fully that he did not throw the slightest personal imputation upon Mr. Melvill, and he desired to say nothing that could by possibility wound in the least degree the feelings of the hon. Member who was his relative.

Sir *R. H Inglis*, in answer to the question that had been asked him by the hon. Member, whether it would not be better that articles of political economy should be drawn up for the use of the clergy, would, in return, ask that hon. Member whether those articles must not be framed by that House, and whether, in that case, as the House stood at present, it was very likely that the articles would be approved of by the hon. Member and his friends, and what advantage would arise to them from the articles so framed?

Subject at an end.

Colonial Passengers.] The Colonial Passengers Bill was read a third time.

Mr. *Hawes* rose to move that part of the 8th clause be struck out. He hoped to have not only the consent of the House, b ut o many of the Members of her Majesty's Government to that motion. Last year a similar clause had been proposed by the then Secretary to the Colonies in bringing forward a measure on this subject, and that clause had been opposed by the noble Lord the present Secretary for the Colonies, by the present Secretary to the Board of Control, by the present First Lord of the Treasury, by the Secretary to the Treasury, by a right hon, Gentleman now absent, the Secretary of State for the Home Department, who had all been anxious to avail themselves of the casual assistance of those who differed from them in political opinion, to oppose the then Government as far as regarded that measure. The objection then taken to the measure was that there had been no definite plan for regulating the transportation of these Hill Coolies, and that was precisely the objection he took to the present measure. He could not but contrast the conduct of the former Secretary for the Colonies (Lord J. Russell) with that of the present Secretary (Lord Stanley). The former Noble Lord had not introduced his measure until Parliament had had a full opportunity of discussing the subject; while the present Secretary for the Colonies had introduced the measure without any explanation, and had it not been that certain papers had been moved for, the bill, under the title of the Colonial Passengers Bill, might have passed without notice. The noble Lord had objected to the measure of Lord John Russell, that there was no definite plan for regulating the deportation of the Hill Coolies, and that was precisely his objection to the measure of the noble Lord, and he would ask the noble Lord what plan had been propounded on that subject since the measure of Lord John Russell? Had the noble Lord any plan—had he indicated any? Certainly not. The noble Lord had certainly written a most remarkable despatch on the subject, and that was all he had done. It would have been wise to have submitted to the House the regulations the Indian Government had made as reasons for passing the bill, and they had a right to know whether those regulations had been carried out. He thought the noble Lord ought to wait till he had the assent of the Indian Government and the Government of the Mauritius to the measure. In these statements he was not saying a word against a system of emigration conducted upon proper principles. If they could accomplish justice to parties emigrating to the Mauritius, he should not object to the emigration of Hill Coolies, but he contended that so desirable an end could not be obtained. He did not make that statement solely upon his own authority, because he found Lord Normanby stating, in 1839, that the Government was decidedly hostile to any project for removing emigrants from the Mauritius; and again, Lord Auckland had stated, in a despatch, that he feared such a system could not be carried out without inflicting grievous injustice and fraud on a helpless people. Lord Auckland had said that no police regulations would ever be sufficient protection to the Hill Coolies in the Mauritius. The negroes there were not provided with hospitals, and their living was extremely bad, and they were generally very badly treated, and their complaints about the non-payment of wages were often passed by without notice. It could not be said that it was necessary to send labourers to the Mauritius with a view to the increased production of sugar. There had been no falling off in the production of sugar in the Mauritius, and there could not, therefore, be any necessity for the importation of labourers into the colony. He contended that if they passed the present measure, they would run the risk of a renewal of slavery, that they could not adeqately protect those poor people from fraud and oppression. He entreated the House, therefore, to pause before they passed the bill, and to wait at least until they should receive further information on the subject. The hon. Member concluded, by moving the omission of part of the clause.

Mr. *G. Bankes* supported the bill. He was persuaded that the time was come, when they should provide for a fresh supply of labourers in our West-India colonies; and he believed there was no quarter from which that supply could be so conveniently or advantageously derived as from the East Indies. There were but two sources of immigration to which the West Indies could look for a supply, and those sources were, the one the coast of Africa, and the other the East of Asia. They had had the evidence of Sir Charles Metcalf, who had passed many years of his life in high office in the East Indies, and who had subsequently been Governor of Jamaica, and who, consequently, was well acquainted with the social position of both countries, to prove that there could be no objection to the introduction of labourers from the East Indies into the West Indies, except the length of the voyage, and that difficulty the Legislature would speedily remove. The present bill, it appeared, did not provide for a supply of labourers to the West Indies, but he hoped that a bill would be introduced for that purpose early in the next Session of Parliament. As respected the Mauritius, he was not so qualified to give an opinion; but as respected Jamaica, he thought he might venture to say that the result of all their inquiries was, that there was no fear of oppression to persons of this description. When they were introduced as labourers they would be in the immediate enjoyment of equal rights and privileges with those freed men who did not work more than they thought fit, which, in point of fact, was inadequate to the cultivation of soil so fruitful, and of so extensive a colony.

Mr. *V. Smith* thought the report of the committee would prove as useless for purposes of legislation as any one of the "blue books," which the noble Secretary for the Colonies was in the habit of mercilessly ridiculing. His reason for voting with the noble Lord was this, that he thought the experiment proposed to be tried by the bill was one which ought not to be left untried. Considering the bill merely in the light of a measure for facilitating the transfer of the surplus population of India to the island of Mauritius, he should vote for it; at the same time he must observe, that the noble Lord did not in the manner in which he brought forward this bill show that consideration for the House which he was sure the noble Lord would upon reflection feel that he ought to have shown. He must further add, it was with great reluctance he agreed to any measure which invested any Minister of the Crown with such large discretionary powers, and yet, if any one were to be so intrusted, he thought that the noble Lord opposite, the Secretary for the Colonies, ought to be that person, when it was recollected that it was he who introduced and conducted through the House of Commons that measure by which the abolition of slavery in the West Indies was effected.

Sir *A. Grant* rose to do an act of justice to the noble Lord, the Secretary for the Colonies. He formed one of a deputation to the noble Lord from the great body of the West-Indian proprietors, calling upon the noble Lord to sanction the appointment of a committee to inquire into the state of the West Indies; and the noble Lord consented to the appointment of that committee with considerable reluctance. When the report of the evidence taken before that committee was published, it would afford a complete refutation to the assertion of the hon. Member for Lambeth, that a West-Indian proprietor could not do justice to an emancipated slave.

Mr. *Bingham Baring* complained that the hon. Member for Lambeth was too apt to impute unworthy motives to those who differed from him in opinion. He had on a former occasion reluctantly voted against permitting those persons to emigrate, and he had been induced to do so because the hon. Member for Beverley had given it as the opinion of the Court of Directors, that some delay was necessary in order to institute an inquiry before legislating on the subject. He agreed with the hon. Gentleman, that unless security was taken that all the abuses which had been complained of should be put down, that it would be improper to permit the immigration of Hill Coolies into the Mauritius; but he contended that by the precautions adopted, a proper administration of justice in the Mauritius was secured, and the recurrence of abuses rendered impossible. The system of contract and bounty had been done away with, and the labourer on his landing in the island was free to engage with any master he liked. If a man were a bad master he would get no slaves. [Mr. *Hawes*: "Hear, hear."] The hon. Member was very willing to take advantage of an inadvertent word. Under the former system those bondmen were slaves; under the present system, however, they were free labourers. The magistrates in the Mauritius were impartial, and the comfort of the labourers would be secured. It was not the object of the Indian Government to encourage emigration from India to the Mauritius, but merely to permit and regulate it, and whenever wages in India should be higher than they were in the Mauritius that emigration would naturally cease.

Mr. *Mangles*, knowing how firm a friend to free-trade was his right hon. Friend near him (Mr. V. Smith), had been surprised at hearing his speech in opposition to this measure, which was founded on the principle of allowing the labourer to carry his labour to what market he pleased. His right hon. Friend's speech consisted of very broad assertions, which were not snpported by the evidence before the House. He rested his support of the measure on the right of every free man to take his labour where he pleased; and when he was answered that these Hill Coolies knew not where the Mauritius was, and were indeed little better than the monkies, he could only say that the House had abundance of evidence before it to show that if they went to the Mauritius monkeys they went back to India men, and intelligent men too, so that the longer that House prevented them from going to the Mauritius, the longer it kept them in that ignorant and unenlightened condition which was alleged as the reason for not allowing their removal. The hon. Member quoted many passages from the evidence taken before the commission on the subject, to the effect that in almost every instance the Coolies, on their return from the Mauritius, were greatly improved in intelligence and comfort, and stated that the Mauritius was a very good place. The right hon. Member was also quite mistaken in saying that the Coolies could not have a fair administration of justice in the Mauritius; for the evidence of Sir Lionel Smith, and many other persons, was conclusive to show that since the appointment of the special magistrates in the Mauritius none of their grievances went unredressed. With the safeguards introduced by this bill against the abuses which existed under the former system, he was satisfied that the natives of India might be allowed the privilege of freemen of choosing the market for their labour. He would, however, suggest in addition the propriety of establishing two offices, one in the Mauritius, and the other in India, so as to secure the regular delivery of letters and remittances of money from the Hill Coolies in the Mauritius to their wives or friends in India.

Mr. *Hogg* said, that though not opposed to the principles of free-trade, he was not disposed to go the length of his hon. Friend who preceded him, and who seemed prepared to extend them to the exportation of human beings. The question had been introduced and discussed as if the revival of the trade in Coolies depended upon the vote of the House. He begged to tell the House that such was not the case, and that the course adopted by the noble Lord, the Secretary for the Colonies, had rendered idle and fruitless, all discussion on the subject. At the very moment he was speaking he thought it probable, that the prohibition had been removed by the local government of India, and that the traffic was again in full operation. He wished the House to know distinctly the situation in which they had been placed, and that if the amendment of the hon. Member for Lambeth should be carried, and the clause struck out, still the views of the noble Lord would be carried into execution, despite the opinion and the vote of the House. The noble Lord did not think it his duty to take the opinion of the House, nor did he let the matter rest on his own responsibility. He carried into execution his own views by means of an order in council, and instructions to the local government in India; and then came to this House to require them to give Parliamentary sanction to his acts, and to embrace the responsibility of a measure they had never an opportunity of considering. Let facts and dates speak for themselves. A few days before Parliament met, there appeared in the Gazette an order in council pregnant with prognostications of divers probabilities. That order in council, in all its hypothetic pomp, went forth over the waters of the Atlantic, and must have reached Calcutta early in April, and he asked any hon. Member who had read that order whether he could doubt for a moment that Lord Ellenborough would consider himself justified in acting upon it, and annulling the prohibitory law. The noble Lord, in his own letter to the commissioners for the affairs of India, regards the matter as settled. He says,

> "It is of course not without sufficient reason that her Majesty in Council has assumed that the Governor-general in council will thus far relax and modify the existing prohibitory law."

He (Mr. Hogg) drew attention to this, to show how entirely the contemplated measures were concocted by the noble Lord, who seemed to have regarded India as part and parcel of colonial possessions under his control. But he (Mr. Hogg) was sorry to say that the proceedings in India would not rest exclusively on the order in council. That order and the letter to the Board of Control were sent to the Court of Directors, who at first declined forwarding them, stating that they could not authorize the withdrawal of the existing prohibition, without the sanction of Parliament. That opinion the Court of Directors often expressed; but he (Mr. Hogg) regretted to say, that sympathizing in the change which had shed its influence on her Majesty's Ministers, that body concurred in the letter lately laid on the Table of the House, and which virtually ordered the annulling of the prohibitory law, without even noticing the frightful mass of evidence that had been submitted to them, or intimating their own opinions and views on the subject. That letter went out by the overland of the 30th March, and would reach the shores of India in May, so that the legislative enactments consequent upon its receipt would, in ordinary course, be completed and carried into execution months before the result of that night's debate could be known in India. He therefore repeated, that for all practical purposes the present discussion was idle and useless, except perhaps that it might tend to render the House and the public more vigilant in future. Considering that this subject had repeatedly occupied the attention of both Houses of Parliament, and had baffled all attempts at legislation, and considering the interest which it had excited in the public mind, he (Mr. Hogg) should have thought that the noble Lord would have considered it right to take the opinion of the House upon the measures he contemplated. The noble Lord, the late Secretary for the Colonies had distinctly pledged himself to do so; and added, that unless he did do so, he did not think he would be acting with becoming respect towards the House. It might be asked, is a pledge given by one government binding upon another. He would reply that the pledge to which he had alluded was almost extorted from the noble Lord (Lord J. Russell) by the right hon. Baronet the Secretary for the Home Department, and he thought he had a right to contend, that the Government were bound to respect a pledge thus given in their own requisition.

He contended further, that the Home authorities for the government of India were not justified in authorising any relaxation of the existing law, until they had submitted to Parliament, and through Parliament, to the country the measure they proposed to prevent a recurrence of the atrocities that had been perpetrated, and which had excited such feelings of horror and indignation in the mind of every humane man. What! thirty or forty thousand of the natives of India torn by force, or beguiled by fraud from their homes, transported to a distant island, where, from the nature of the soil labour in the field is severe in the extreme, there, handed over to taskmasters who extorted from them work beyond what their frames were physically capable of enduring, while their families, abandoned in India, were languishing in misery and destitution. And the system which induced these frightful calamities to be again resorted to, without the specification of a single precautionary measure (at least as regarded India), that had not before been tried and found unavailing. As a Member of that House, and speaking only from that information which was open to all, he (Mr. Hogg) had a right to complain that the Court of Directors had deviated from that course which they led the public to believe they would pursue, as indicated by their despatches, and their petition to the House. In the letter ordering the prohibition, the Court expressly advert to measures pending in Parliament. Again, in September 1841, the Court say that they cannot authorize the Government to withdraw the prohibition without the sanction of Parliament. The same view of the subject was taken by the court of proprietors, with whom the directors acted in concert. At a general court of proprietors held the 17th July 1840, a petition was unanimously agreed to against the clauses proposed by the noble Lord the late Secretary for the Colonies, to be added to the then pending Colonial Passengers Bill. He had the honour to present that petition, and he believed that a petition from so influential a body as the East India Company, aided by the eloquent remonstrance of his right hon. Friend the Secretary for the Home Department, went far in influencing the noble Lord (Lord J. Russell) to abandon his intended provision. He was aware that the petition only prayed for delay till the report of the committee that had been assembled on the subject should be received. It was true that report had now been rescinded, but how was their position altered? They then acted on vague rumour, but they had now before them a report signed by three gentlemen of the highest character, and a mass of evidence depicting atrocities and sufferings far exceeding what had ever been apprehended; and yet they were called upon to sanction the withdrawal of the prohibition, without having submitted to them any means of preventing a recurrence of the abuses. He was very reluctant to oppose any measure introduced by those with whom it was his pleasure almost invariably to act, but no change had come over his opinions and views, and he could not support on one side of the House a measure which he had opposed when in the other. Upon a former occasion, the noble Lord near him (Lord Stanley) had undertaken to defend his right hon. Friend (Sir J. Graham) from the imputation of inconsistency, and there could not be a more able or accomplished advocate. But so sorely was the noble Lord pressed, that he fled for refuge to the perilous sanctuary of confidence. He contended that the confidence reposed by his right hon. Friend in the present Government fully explained any alteration in the course he pursued. Surely the present question was not one when any Member could be influenced by feelings of party. His own acts in that House had not evinced any great political confidence in the late Secretary for the Colonies, but he felt a pleasure in stating, that in any question involving the great interests of humanity, that noble Lord should command his entire and unqualified confidence. His hon. Friend, the Member for Guildford, had contended for the right of the Indian labourer to carry his labour to the best market. He (Mr. Hogg) had never opposed that principle. He was ready to admit that the natives of India had a right to emigrate to the Mauritius or elsewhere, and all he required was to be satisfied that their emigration was voluntary. He must say that, under the circumstances, the announcing of these propositions of abstract right had very little to say to the matter before the House. The papers before the House, and this very discussion, sufficiently proved the helplessness of the Indian labourers, and that they needed protection, and the only question was, the expediency of the course pursued by the noble Lord and the Court of Directors. It was admitted by all, that the grossest abuses had been perpetrated in India under the cover of emigration, alleged to be voluntary, and his hon. Friend had not attempted to show how these abuses could be prevented. He would not venture to weary the House by referring in detail to the evidence, but he would beg their attention to the facts which the committee stated to have been distinctly proved. They state that it was proved beyond dispute, that the Coolies and other natives of India, exported to the Mauritius, were generally induced to come to Calcutta by misrepresentation and deceit, practised upon them by native crimps called duffadars, who received a considerable sum per head for each Cooly. That if the Coolies had been made aware that they were to go beyond the sea, very few, and probably not one, would have entered into the engagement. That they were induced to leave their home, under the belief, that they would find employed in Calcutta under the Company. That many of them, particularly the Hill Coolies, were incapable of understanding the nature of their contracts. That in despite of the local regulations and the interference of the police, an impression was created and maintained, that they would be liable to penal consequences if they expressed dissatisfaction at being sent on board ship. That kidnapping prevailed to a very considerable extent, and that the Coolies, when brought to Calcutta, were detained there in a state of close imprisonment. They add, that local legislation, with all the advantages of local knowledge, had entirely failed to remove, or even materially to check the abuses. And they deliberately state their opinion, founded on a knowledge of the country and the natives, that no legislation could prevent a repetition of the evils, and they deprecate a renewal of the trade. It had been urged, that only three out of the six Members named by Government had signed the report, and much importance had been attached to the dissents of Mr. Dewson and Mr. Grant. Mr. Dewson had himself been extensively engaged in the trade, and whatever might be his opinion as to the expediency of continuing it, he (Mr. Hogg) thought the evidence given by that Gentleman, when examined before the committee, was the very strongest in support of their report. Mr. Dawson, when examined, stated, that being desirous to crush the system of crimps or duffadars, he had sent a respectable agent, Mr. Carapet, to the district which supplies the Coolies, with orders to explain to them fully the nature of their engagement, and that they were to leave their country for five years. Mr. Carapet, to aid him in his mission, was furnished with letters of introduction to the Governor-general's agent, and other influential persons; and what was the result? Mr. Carapet did not succeed in obtaining a single Cooly; while at the same time, and in the same districts, the duffadars, under the old system of fraud and misrepresentation, were obtaining them by hundreds. He believed he had adverted to this evidence on a former night, but he thought it right to mention it again, when the dissent of Mr. Dewson was relied upon. His hon. Friend the Member for Guilfdord had laid great stress on the minute of Mr. Grant, and he (Mr. Hogg) was ready to admit the ability of that gentleman, and the attention to which his opinions were entitled. But Mr. Grant, though differing from the conclusion of the committee, does not differ from them in their opinion as to the evils and abuses that existed. He says, when adverting to them—

> "In these particulars, so far from objecting to the opinions of the majority, if I had agreed in the great conclusion of their report, and so been competent to sign it, I should have felt it my duty to move for a more pointed expression of opinion in certain respects."

It seemed admitted then by all, that evils and abuses of a frightful character existed in India, and that legislative enactments had failed in preventing them. Lord Auckland states in his minute, that he has no faith in the validity of regulations, and declares the inutility of what he designates the cumbrous machinery of inspectors and protectors. He adds his opinion, that if the law should be relaxed, not more than ten or twenty Coolies, according to the size of the vessel, ought to be permitted to embark together. Much importance had been attached to the examinations of the Coolies who had returned and to the proportion of deaths that occurred at the Mauritius. He confessed he did not attach much weight to these examinations. Many of those examined had obviously been sent back for the express purpose of decoying more. Others were under the apprehension that they would incur the displeasure of the authorities if they expressed any dissatisfaction at the treatment which they had received; and the number of those examined (being he believed under 200) was insufficient to justify the forming of any opinion. Why had not more been examined? Where, he would ask, were the statements of the thousands referred to by Lord Auckland, whose contracts were to expire in the course of last year? But now supposing that a great number of the Coolies did declare themselves reconciled, or at least habituated, to their wretched lot, did that alter the character of the fraud and violence that had been first practised upon them? As to the number of deaths, there was no statistical information that could be relied upon. The report of the chief commissioner of police at the Mauritius states the number of Indian labourers introduced into that colony from August 1834 up to the end of 1838 to be under 13,000; while Mr. Anderson, who came to this country as the agent of the Mauritius planters, states, that up to the beginning of 1829 about 25,000 labourers had been introduced from India, which number had been reduced by deaths and expiration of service to less than 18,000. What, he asked, had become of those 7,000? If they had returned to India, where were their examinations and the report of their return? If they had died at the Mauritius, how frightful must have been the mortality! Mr. Anderson, while advocating emigration, admits with great candour the evils that existed, both in India and at the Mauritius. He states that the emigrants were deceived and misled by the duffadars and robbed of their advances in India; that at the Mauritius they were prevented by fear from complaining of the bad usage they received; that no attention was paid to their comforts, and no consideration shown for their prejudices; so that under the name of transfers, daily sales were made of their services. With such facts and opinions before the House, he would ask if they were prepared to sanction the renewal of the trade? He admitted, that the provisions of the noble Lord went far to prevent the abuses which had occurred on the passage, and at the Mauritius, and to secure to the Indian labourers comfort during their voyage to the Mauritius, and good treatment and fair wages after their arrival there. He thought, that with some modifications which he would venture to suggest before he sat down, the provisions regarding the Mauritius, were all that could be desired. But where were the provisions for India? And he begged the House to bear in mind, that total prohibition had not been resorted to until after local legislation had failed. Nothing could be more meagre and unsatisfactory than the despatch from the Court of Directors to the Governor-general. Why was it that the proceedings of Parliament and the Court of Directors had been suspended until the report of the committee and the opinions of the Members of Council should be received? He presumed it was for the purpose of considering these documents, and passing some enactment, or offering some suggestions on the subject. But now, after the required report and opinions had been received, the whole is bundled back to the local Government, with instructions containing some vague generalities, but nothing intelligible or practical. The despatch of the Court of Directors might have been sufficient when the subject was first mooted, but it was not such a despatch as ought to have been written, after the exposure of the atrocities of the system, and the failure of all the remedies that had been tried. He (Mr. Hogg) would not object to the cautious and partial relaxation suggested by Lord Auckland, but he felt fully satisfied, that voluntary emigration could never supply the wants of the Mauritius, the reality of which he admitted and lamented. If the system proposed by the noble Lord was adopted, the expence entailed upon the Mauritius would be so great, that the colony would sustain a grievous loss, and would have just reason to complain, if not supplied with a sufficient number of Coolies. There would be a kind of obligation to supply labour commensurate to the expense, and emigration, instead of being voluntary, would inevitably be coerced to the extent of the funds advanced by the island. How could it suit the purpose of the Mauritius to pay hosts of inspectors both in India and in the colony, unless there was some organised plan that insured to them the number of Coolies they required? To any such organised trade in Coolies, he (Mr. Hogg) had insuperable objections. To free and voluntary emigration he had none. He had already admitted, that as regards the voyage and treatment at the Mauritius, the provisions introduced by the noble Lord were most considerate, and tended to remove many of the existing evils. There were some suggestions which he would venture to submit for the noble Lord's consideration. It was provided, that the Cooly need not enter into any contract for forty-eight hours after his arrival, and that during that period, he shall be maintained. Thus, after the expiration of forty-eight hours, the Cooly would be absolutely destitute, and compelled to accept any offer that might be made to him. It could not be expected, that a Cooly, arriving in a strange country, could inform himself in so short a time, as to the rate of wages and the character of the planters who might wish to engage him. He (Mr. Hogg) thought, that instead of forty-eight hours, a period of five or six days should be allowed to the Cooly after his arrival, and that during that time he should be supported, unless he earlier entered into service. Again, the lodgings assigned to the Indian labourers were of the most wretched description. Mr. Anderson states, that he had rarely seen anything but the bare floor provided for them, and that they were crowded together in a manner that seemed to render respiration almost impossible. He also thought, that there ought to be some arrangement for district hospitals, and that the Coolies ought not to be dependent on the accomodation provided for the sick at the private establishments, which Mr. Anderson states was more calculated to increase disease, than to alleviate its sufferings. There was no provision for the accurate report of any deaths, or to secure for the relatives of the deceased any arrears of wages that might be due. It was stated in the despatch of the court of directors, that it was provided, that the emigrant should have the means of returning whenever he was desirous of doing so. He begged to say, that there was no such provision or suggestion in any of the documents before the House. The only provision for the return of the Cooly was after the expiration of five years, when he was entitled to demand payment of his passage back to India. He felt there could be little use in offering any suggestion several months after the instructions had been forwarded to India, but still he considered it his duty to mention what occurred to him. He would now proceed to state the suggestions which he would have wished to have been embodied in the despatch to the Governor-general, and which he had already urged unsuccessfully in his place in the court of directors. He would, in the first place, strike at the root of the evil, by adopting measures to prevent the duffadars or native crimps, who now infested the interior of India, deceiving and defrauding the natives, from any longer pursuing their vocation. He would not permit one of them to enter any district for the purpose of procuring Coolies. If Coolies were required for the Mauritius, from any district, he would direct the magistrate and collector to give every possible publicity to any notification on the subject, and to desire the attendance before them of such persons as might wish to avail themselves of the offer. But not a single Indian ought to be withdrawn from his home, until he had appeared before the European authority of the district, and in his presence, had stated his willingness to emigrate, having had fully explained to him the nature of the employment, the terms of the contract he would be required to enter into, and above all, that he must leave his country, and proceed over the sea. It was a mockery to talk of examining him in Calcutta, after he had abandoned his family and his home, and felt irrevocably committed to the wretch who had inveigled him from his native hills. Was he likely to seek redress when thus flung for the first time into a mighty metropolis, and bewildered by all that surrounded him? The protection to be of any avail, must be afforded before he left his home. With regard to the disparity in the sexes, he was aware, that if the natives of India were prevented from emigrating, unless accompanied by their wives and families, such a regulation would be equivalent to an absolute prohibition of all emigration; and he would not sanction any proceeding that was indirect. The objection of the natives in India, and indeed throughout the East, to remove their families from their home, particularly over the sea, was almost insuperable. Throughout the Eastern Archipelago, where the natives of China abounded, scarcely a Chinese woman was to be met with, and the laws of that empire equally prohibited the emigration of men and women. He was further aware, that if such a provision prevailed, the natives who might wish to emigrate would leave their wives at home, and would provide themselves in Calcutta with abandoned women to accompany them. He, therefore, would not render it imperative on the Indian labourers to take their families with them, but would afford them every facility and inducement to do so. He also thought that arrangements ought to be made to secure to them the means of easy and frequent communication with their families, and of having paid to them, during their absence, a part of their wages. Indeed, considering the misery and destitution that prevailed among the families of those who had hitherto emigrated, he thought it ought to be imperative on the emigrant to make an adequate provision for his family. The time for leaving India ought also to be regulated. It ought to be limited to the Monsoon, when a passage could be made in a few weeks, while at other periods of the year it would occupy several months. To prevent the clandestine shipping of Coolies, which had taken place to a great extent, there ought to be an examination of the vessel at the last place of anchorage as well as at the port of embarkation. The last suggestion he would venture to offer, and by far the most important in its principle, was the necessity for some arrangement with the foreign European powers who had possessions in India. Lord Auckland was of opinion that such arrangements could only be made by the authorities at home, and he distinctly states in his minute, that without such arrangements we should not be justified in re-opening emigration, even to the Mauritius. He was sorry to observe the manner in which this all-important subject had been slurred over in the dispatch. Already were our motives subjected to undue suspicion by those states who were unwilling to co-operate with us in the great and good work, in which we had so long been engaged, and for which we had made such sacrifices. Our acts were jealously watched, and contrasted with the principles we professed and inculcated; and he earnestly entreated the House, not from any pressure of expediency, to incur the risk of having it imputed to us, that we permitted in India that which was too similar to what we deprecated in Africa. He begged pardon of the House for having occupied so much of their time, but he felt the deepest interest in the subject, and feared it would hereafter appear that it had not received from Parliament the attention which its importance demanded. If the proposed measure should receive the sanction of Parliament and become the law of the land, he most earnestly hoped that it would realise all the benefits that had been anticipated, and in every situation in which he might be placed, he would afford it his best and most anxious support. But, if on the contrary, he should have occasion to lament its failure, and the recurrence of those evils which all must deplore, it would be a consolation to him to reflect, that however feeble his voice and ineffectual his efforts, he had throughout afforded it a sincere, an honest, and a conscientious opposition.

Lord *Stanley* thought it was desirable, that the House should fully understand the state of the case on which they were now about to legislate. Soon after the passing of the Slave Emancipation Act, in 1835, some merchants of the Mauritius finding that a great diminution of labour took place, partly in consequence of the unwillingness of the negroes to work, contemplated, and carried into effect, a plan for enlisting in their employment, by means of private agents, a number of the natives of India. He did not hesitate to express his belief, that in many instances, these Indians were led by fraudulent pretences and promises to go to the Mauritius, where they were induced to enter into agreements to serve certain masters for a period of five years. This system gave rise to extensive abuses; and in 1837, it was found necessary by the Indian government to adopt measures for regulating the deportation of these labourers. In 1838, it was deemed requisite absolutely to prohibit the departure of labourers from India to the Mauritius, or the West-Indian colonies; and it was this law which the hon. Gentleman was desirous of perpetuating, while the object of the present bill was to permit the emigration of labourers under certain restrictions. In 1838, the year in which the law to which he had just referred was adopted, a commission was appointed by the Governor-general of India in council to inquire into the abuses alleged to exist with respect to the exportation of Hill Coolies and labourers from Bengal to the Mauritius. In 1840, the noble Lord, the late Secretary of State for the Colonies, called upon the House to rescind the prohibitory law, and to permit the exportation of Indian labourers to the Mauritius. He gave his vote silently, though reluctantly, against that proposal. A right hon. Friend of his, who also voted against the proposal, stated that the grounds on which he rested his opposition were these. That a commission had been appointed to inquire into the subject, and that before that House was called upon to legislate, the report of this commission ought to be placed in their hands, and he also suggested, that the Government should communicate with the Governor-general, and consider during the recess the adoption of measures which might remedy the grievances complained of. These were the grounds, also, on which he had given his vote on the occasion to which he alluded. Now, however, the House was in possession of ample information on the subject, and a plan maturely considered, was submitted to the judgment of Parliament. The Government had proceeded to legislate, by Order in Council, which had been sent out to India, to regulate the passage of the Hill Coolies to the Mauritius, and now they came to that House to regulate the trade between India and the Mauritius. He wished to take up this case not for the benefit of the Mauritius alone. He knew, that without the importation of Hill Coolies their sugar-growing would fall off, and there would be much distress; but, with all the advantage of this importation of labour to the Mauritius, he would not bring forward this bill if he were not satisfied, that the importation of Hill Coolies would not only be beneficial to the Mauritius, but that it would be also for the permanent advantage of India itself. He called on the House, then, not from a species of indolent humanity to say, "There are abuses in the system of exportation of labour from India which we have not time to see into, and the Indians shall, therefore, not improve their circumstances, nor shall that country relieve itself of its starving population." If he proved that remedies had been applied to these abuses, he trusted that the House would not continue longer a bill which violated all the principles of sound policy and legislation. The alleged grievances of the exportation of Hill Coolies might be comprised under the following heads. First, that the Coolies were deceived, and entered into engagements of which they knew nothing. Next, that they were kidnapped at Calcutta; that there were great frauds by advancing money to them, and getting them into debt, and into the power of those who supported them; that the contracts they entered into were disadvantageous to them; and that their families were left unprovided for. This system arose from individual merchants having paid agents, to whom they gave so much per head for inducing the Coolies to enter into these contracts. The committee appointed to inquire into this subject, reported on the operation of the bill to prevent the exportation of Hill Coolies—

> "That this law, not content with getting rid of the whole of the abuses complained of, imposes strange and servile restrictions on the liberty and means of livelihood of many of the Indian people.
>
> "The only abuse of moment related to the people getting under contracts to serve for a term; but this law prohibits all persons going of their own accord unfettered by any contract to other portions of the empire where their labour may be advantageous. That to justify such a law, a case of necessity must be made out, there needs no argument."

Mr. Grant stated—

> "No such case of necessity can be made out. I have never heard it seriously argued, that any evil could arise from the spontaneous emigration of labourers from India unfettered by any contract. The kidnapping arose from individuals paying so much a-head for labourers, and getting them to work under contracts."

But that system had already been done away with. The present system gave no benefit to any individual by the introduction of any exclusive labour. No individual planter was empowered to send out to collect labourers, but the colony was empowered to vote a sum of money to pay the expenses of the emigration of the labourers, and when those emigrants arrived, they were free to choose masters and go where they pleased; but they had the advantage of having their passage paid free, and they might then compete for wages with the freest men there. The whole system was altered, from the very root, the moment they substituted a public grant individual speculation. The temptation for kidnapping ceased at once. What was the language of the committee on the system of money advances to the Coolies, and getting them into debt?

> "The system of nominal allowances to the Coolies was one of fraudulent gain, and it is certain, if advances were prohibited the main stay of the Hill Cooly trade, as carried on heretofore, would certainly be at once removed."

All advances were positively prohibited by the system now brought into operation, and in the most certain manner for there was now no means of recovering a debt so lent. The hon. Gentleman (Mr. Hogg) said the Coolies were kidnapped—they were cooped up in houses, false passports were given them, they were placed under the control of the police, there was no security against their being changed and shipped off for the benefit of the exporting merchant. All this was altered. There were now placed under a Government agent, whose duty it was to muster them and deliver them their passports and keep a descriptive catalogue of each person, and no one was permitted to emigrate till the Government agent had explained to him the condition into which he was going, and the life he was to lead. It was again said that as the vessel dropped down the river, other persons were taken on board, and there was protection against this. The protection taken was this: the shipper was paid for the safe import of so many persons, checked by the Government agent at the Mauritius; and if he brought one more than his complement, he was fined *5l.*; and if in any particular he had altered, changed, or increased the number beyond this, he forfeited the whole of his freight. It was then said that the contracts were unfavourable. He knew they were. Under the contract system, the net wages of the Hill Cooly at 8*s.* a month amounted to 4*l.* 16*s.* per annum, whilst the wages of the free negro at half a dollar a day, amounted to 36*l.* 10*s.* The hon. Member for Beverly said this system had been unaltered; but that was not the case. The Hill Cooly was now capable of earning 36*l.* 10*s.* per annum, that being a sum some hundred times as much as he could ever by possibility earn by his labour in his own country. The only difficulty the Hill Cooly would have would be to choose amongst his employers, and how he should most advantageously sell his services. Many of them under the late contract system had returned to India with considerable sums of money. The hon. Member said they were but decoy ducks, but at any rate, they had earned money under all the disadvantages of the contract system. They must not talk of the Cooly being unable to take care of himself. The chief inconveniences of the old system arose from the Coolies perpetually making frivolous complaints in order to break their contracts, because they saw free men earning double and treble their wages. No doubt, in some cases under the former system, they had been treated as slaves, but under the present system the labourer, being bound by no tie or contract, would leave the master who ill-used him, and find a hundred others ready to take him. Nay, more, by a short-sighted policy some of the masters were constantly endeavouring, by offering higher wages, to induce the labourers to break through their engagements and go over to them. In the event of the Hill Cooly becoming dissatisfied, there was nothing to interfere with his return, for by common industry he might, in the course of a year, earn fifty rupees, a sum amply sufficient to enable him to return to his native country. The right hon. Gentleman, the Member for Northampton, he believed, on a former night, when this bill was under discussion, objected to the protection of the Hill Coolies being left to the superintendence of the special magistrates; but what said Sir Lionel Smith—no mean authority—on that subject? Sir Lionel Smith, in the Mauritius, said,

> "Let the Governor-general of India make such protective regulations that the labourers may emigrate, and I will undertake to provide for their full and efficient protection here."

Now, he had no wish to speak in disparagement of the late Sir Lionel Smith, but he would say, there was no man in whom more implicit reliance could be placed than in Sir W. Gomm, the present governor of the Mauritius. Upon his high and honourable feeling the House and the country might safely rely for a vigorous and impartial administration of justice. But again, other objections which had been urged were met by the provisions which this bill contained for the services of medical attendants, and to enable the emigrant Hill Coolies to remit to their wives and families such portions of their earnings as they could spare, and if any emigrant desired to take his wife and family with him, the shipowner or his agent was bound to take them, and the colony was bound to pay for their passage out. On the whole, this measure in all its details had received, notwithstanding the opposition of the hon. and learned Member for Beverley, the sanction of the Court of Directors of the East India Company; and that decision had been affirmed by the Court of Proprietors, on a division, he believed, of fifty-four to twenty-two. Thus the sanction of the popular body had been added to that of the governing body. The refusal to assent to the particular clause which had been referred to would indicate on the part of the House a disapprobation of this measure, which he should deeply regret, and though he could not anticipate the House would sanction the permanent continuance of so injurious a law against the opinions of the Court of

Directors, of the Court of Proprietors, and of the Governor-general of India, he had now boldly had plainly stated the whole case, and he confidently left it in the hands of the House.

Mr. *Hastie* inquired whether the bill contained any provision for the maintenance of the wife and family of the Hill Cooly, during his absence in the Mauritius?

Lord *Stanley* replied that, as he had already stated, the Governor-general would have power to compel the shipowners, or their agents, to take out the wives and families of such emigrants as desired to accompany the husbands. He, by this bill, did not profess to make any provision for the wives and families that remained in India, more than already existed, with regard to the families of Hill Coolies who came from the country, and engaged for three or four years with a master in Calcutta.

Mr. *Hastie* observed, that, when a man engaged as a servant in Calcutta, he had means of transmitting his savings for the support of his wife and family; but, if he were transported to the Mauritius, a considerable time must elapse before he could remit anything to those he had left in his native country. With regard to the provision to enable the wife to accompany the husband, he thought it would be useless, for it was well known that, sooner than go to the Mauritius, or anywhere else, the women would rather drown themselves in the Ganges, and think they were going to Heaven; while, if they went to sea, they would be of opinion they were going in a contrary direction.

Sir *R. Inglis* could not but regard with suspicion the export of labour which he could not consider to be free. On this question, therefore, he could not give that support to the Government which he usually afforded.

Mr. *Hume* said, that the principle of the bill was one which the House were, every day, allowing to be carried out, with reference not only to the colonies, but to this country, and therefore he did not see why an exception should be made in the case of the Mauritius. He supported the bill on the general principle of free-trade in labour, and he thought that the objections to it equally applied to the system of emigration which had been so long acted on in this country.

The House divided on the question that the words proposed to be left out stand part of the bill:—Ayes 118; Noes 24: Majority 94.

List of the Ayes.

Acland, Sir T. D.
Acland, T. D.
Allix, J. P.
Arbuthnott, hon. H.
Astell, W.
Baird, W.
Baldwin, B.
Bankes, G.
Barclay, D.
Baring, hon. W. B.
Bateson, R.
Beresford, Major
Blackburne, J. I.
Boldero, H. G.
Bramston, T. W.
Brownrigg, J. S.
Bruce, Lord E.
Burdett, Sir F.
Burroughes, H. N.
Campbell, A.
Chute, W. L. W.
Clerk, Sir G.
Clive, hon. R. H.
Cockburn, rt. hn. Sir G.
Colebrooke, Sir T. E.
Colquhoun, J. C.
Corry, rt. hon. H.
Courtenay, Lord
Cripps, W.
Curteis, H. B.
Dalmeny, Lord
Douglas, Sir H.
Douglas, Sir C. E.
Douglas, J. D. S.
Duncombe, hon. A.
Eliot, Lord
Escott, B.
Estcourt, T. G. B.
Fielden, W.
Fitzroy, Capt.
Fitzroy, hon. H.
Flower, Sir J.
Follett, Sir W. W.
Forbes, W.
Fuller, A. E.
Gaskell, J. M.
Gladstone, rt. hn. W. E.
Gladstone, T.
Gordon, hon. Capt.
Gore, W. R. O.
Goulburn, rt hon. H.
Graham, rt. hn. Sir J.
Greene, T.
Grimston, Visct.
Grogan, E.
Harcourt, G. G.
Hardinge, rt. hn. Sir H.
Hardy, J.
Hawkes, T.
Henley, J. W.
Herbert, hon. S.
Hodgson, R.
Hope, hon. C.
Hornby, J.
Hume, J.
Hussey, T.
Hutt, W.
Jermyn, Earl.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Knatchbull, rt. hn. Sir E.
Knight, H. G.
Lincoln, Earl of
Litton, E.
Lockhart, W.
Lowther, J. H.
Lyall, G.
Mackenzie, T.
Mangles, R. D.
Martin, C. W.
Masterman, J.
Meynell, Capt.
Milnes, R. M.
Mitchell, T. A.
Mundy, E. M.
Neville, R.
Newry, Visct.
Nicholl, right hon. J.
Northland, Visct.
Pakington, J. S.
Palmer, G.
Peel, rt. hon. Sir R.
Philips, M.
Plumridge, Capt.
Pollock, Sir F.
Praed, W. T.
Pringle, A.
Rose, rt. hon. Sir G.
Sanderson, R.
Sandon, Visct.
Scott, R.
Seymour, Lord
Smith, rt. hn. R. V.
Somerset, Lord G.
Stanley, Lord
Stewart, J.
Stuart, H.
Sutton, hon. H. M.
Taylor, J. A.
Thompson, Ald.
Tollemache, J.
Trotter, J.
Vivian, J. E.
Wall, C. B.
Wilshere, W.
Wood, Col. T.
Young, J.

TELLERS.

Fremantle, Sir T.
Baring, H.

List of the Noes.

Aglionby, H. A.
Ashley, Lord
Bowring, Dr.
Broadley, H.
Brotherton, J.
Duncan, G.
Eaton, R. J.
Ebrington, Visct.
Ewart, W.
Ferguson, Sir R. A.
Hastie, A.
Heathcoat, J.
Hill, Lord M.
Inglis, Sir R. H.
Kemble, H.
O'Brien, J.
O'Connell, D.
O'Conor Don
Pechell, Capt.
Thorneley, T.
Villiers, hon. C.
Wawn, J. T.
Williams, W.
Wood, B.

TELLERS.
Hawes, B.
Hogg, J. W.

Bill passed.

Constables — Public Meetings.] On the motion that the report of the Parochial Constables Bill be received,

Mr. *Pakington* urged the postponement of the bill till the next Session. He admitted that the mode of appointing parish constables under this bill, would be a great improvement; but still he believed that the class of persons who would be appointed would be found totally inefficient, either for detecting vagrancy or repressing the disorders in beer-shops. There certainly ought to be some efficient superintending officer in each county, to control the district force, and for this the present bill did not at all provide. The state of the law, with respect to high constables, was very unsatisfactory. They had nothing to do but to collect the county-rates and issue precepts, while the expense they entailed upon every county was between 500*l.* and 600*l.* per annum. The collection of the county-rates ought to be transferred to the boards of guardians, and the saving thus effected might fairly be made available in promoting the efficiency of the police staff.

Mr. *T. Duncombe* objected to the bill, on account of its appearing to sanction certain dangerous doctrines as to the duties of the constabulary, enumerated last night by the Secretary for the Home Department. These doctrines had created very great surprise and alarm in the public. The clause which enacted that the constables, under this bill, should possess all the powers or privileges supposed to be possessed by constables at present, was too vague and indefinite, he thought, to vest authority so extensive as that contended for, on behalf of the constabulary, by the right hon. Gentleman. Those powers, as he had described them last night, were most unconstitutional; and a case had occurred that very night, at Deptford, in which the arbitrary doctrines there declared, by such high authority, had produced most pernicious fruit. A meeting, to consider the Corn-laws, had been convened, and, according to common practice, adjourned for want of room to another and larger locality. A "Dr. M'Douall," a Chartist orator, thereupon commenced addressing the meeting, on which he was seized by some policemen—who, no doubt, had acted upon the principles so unconstitutionally laid down by the Minister for the Home Department—they declaring the meeting an illegal one. The doctor said that he would certainly obey their mandate to depart, and was about to do so, when they told him that he must come a different way, and took him to the station-house. Some of the people then said, "Let us see what becomes of the doctor." [*A laugh.*] Ay, it was very well to laugh; but the people would not stand this sort of thing; so they looked after the doctor, and, for following him and the officer, several of them were arrested; and some five or six persons were now in custody, in consequence, as he firmly believed, of the doctrines laid down by the right hon. Gentleman. Bail, too, had been refused most unlawfully, so that these persons were kept in close confinement, and would be brought up tomorrow morning, when it would be seen what would become of the affair. Meanwhile, he doubted the wisdom of assenting to this bill, extending, as it did, vague and dangerous powers alleged to be possessed by the existing constabulary; and he, therefore, moved that the debate be adjourned.

Sir *J. Graham* said, last night he had opposed, successfully, the attempt of the hon. Member to erect that House into a court of unconstitutional appeal from the verdicts of juries and the judgments of courts of justice. He had now to resist the attempt of the hon. Member to forestall and injure the administration of justice. The hon. Member, in his anxiety to make out a charge, had brought down the particulars of a case of which nobody in the House knew anything but himself; and he, the patriot stickler for that pure and impartial administration of law, violated the first principle of justice by hastily dragging before Parliament, and making matter of public discussion, a case about to come before the ordinary tribunals of the country. It would be on his part a gross betrayal of his public duty to countenance for a moment this strange course, by adverting to the case in the slightest degree. No doubt law would be conformed to, and justice fairly administered; and, certainly, not till law had been violated, and justice denied, should the House of Commons interfere with the customary course of judicature. The hon. Gentleman had adverted to some declarations that had fallen from him, and had said, that to these declarations might be ascribed the circumstances he detailed. If so, and if the police had acted on those opinions, they had done so at their own peril. The law was their guide,—the written, settled, certain law of the land. They had no business to take their guide from any opinions that might be expressed by any Member of the House or any Minister of the Crown in Parliament. As to the bill itself, the hon. Member, in his haste to tell his tale, had quite neglected to read the clauses, for he had spoken of one clause as extending power "supposed to be possessed by the constabulary." The bill did no such thing; there was nothing whatever of supposition in the case. The bill confirmed all the powers and privileges actually and legally possessed at this moment by the constabulary—it did no more. There was no vagueness here; the law on the subject was quite settled and distinct; the bill altered it not, but merely extended its application. Equally ignorant of the bill would any Gentleman prove himself who should talk of the constabulary under this bill being appointed by the magistrates. No such thing; it was the rate-payers, who had power to provide for their payment, not the magistracy. The present bill, he believed, would fully answer the intentions with which it had been framed;—he would recommend it as an experiment that was worth being tried, and which would establish an improved system of parish constables.

Mr. *Aglionby* agreed in what had fallen from the hon. Member for Finsbury yesterday evening, and he regretted that anything should have fallen from the right hon. Gentleman that would have the effect of inducing the police to interfere with public meetings. But with respect to the present bill, he agreed with the right hon. Baronet, and saw no objection to the principle of the bill.

Captain *Pechell* said, that the principle of the bill, as stated by the right hon. Baronet, was a very good one; and he thought, if the permissive principle was applied to the Poor-law Bill, it would give very great satisfaction.

Mr. *Hume* said, if the right hon. Baronet would suffer the constables to exercise a power which they might abuse, he might be sure, whatever instance of such abuse took place would be brought under the notice of Parliament.

Mr. *T. Duncombe* withdrew the amendment, observing that he performed his duty as a Member of Parliament in bringing these cases of grievance under the notice of the House.

Mr. *Bankes* thought it a hardship that counties which had adopted the rural police should have to be saddled with the expense consequent on the operation of this bill. He suggested that the allowances given to constables when on extra duty, should be charged, not on the parish to which the constables belonged, but on the county generally; otherwise it would be anything but an advantage to a parish to possess an active constable. With respect to the commitment of young persons to gaol, considering the contamination to which they were thereby subjected, he would suggest the adoption of a clause

> "Empowering magistrates to commit for trial young persons who are charged with criminal offences to lock-up houses instead of the county gaol."

Mr. *Darby* opposed the clause and the suggestion. If payment out of the county rate was introduced into a Parochial Constables Bill, it would lead to endless confusion. He also opposed the clause for providing lock-up houses for criminals before trial, as, if they adopted it, they would be bound to create two sets of prisons and prison officers.

Mr. *Bankes* would leave the matter entirely in the hands of the Government.

Mr. *Burroughes* moved a clause to enable the justices in session to abstain from carrying out the provisions of the bill in consequence of the police force.

Sir *J. Graham* opposed the clauses, as being at variance with the general purpose and spirit of the bill.

Clause negatived; clauses added.

Bill ordered to be read a third time.

Adjourned at half-past one o'clock.

HOUSE OF COMMONS,

Wednesday, July 27, 1842.

MINUTES.] BILLS. *Public.*—1°· County Courts; Militia Pay.

2°· East India Bishops; Warwick and Lancaster Coroners; St. Asaph and Bangor Preferments.

Committed.—Bribery at Elections; Western Australia.

Reported.—Ordnance Services; Tobacco Regulations.

3°· and passed:—Parish Constables.

PETITIONS PRESENTED. From Carnarvon, for the Repeal of the Act uniting the Dioceses of St. Asaph and Bangor.—From Bridgend, against the System of paying Wages in Goods instead of Money.—By Mr. O'Connell, from the Roman Catholics of Bungay, for an Equality of Civil Rights.—From Ternfield, for limiting the Hours of Labour in Factories.—From Harold's Cross, near Dublin, for Inquiry into the course of Instruction pursued at Maynooth College.—From Kendal, against the Tobacco Regulations Bill.—From John Cleave, James Harris, J. Turner, and W. Greathead Lewis, relative to a Grant for Musical Education.—From Wm. Eliot Hudson, against the Common Law Courts (Ireland) Bill.

BRIBERY AT ELECTIONS.] On the motion of Mr. *C. Buller*, the Order of the Day for the House to resolve itself into a committee on the Bribery at Elections Bill was read,

Mr. *Mackinnon* had given notice that he would move that the bill be committed that day six months. He owed his seat in that House to the local and personal influence he possessed in his neighbourhood, and the only danger he could incur with respect to losing his seat, would be by some stranger coming forward and bribing the constituency, and thereby depriving him of that influence which returned him to that House. He said that, for the purpose of satisfying the House, that he had no interest of a personal nature in the remarks he was about to make. The principles of the bill which he contended against, were those which militated, first against the common statute law of the land, and next, against the privileges of the House. He objected particularly to the 15th clause, which gave a right to the committee to examine Members of Parliament, or other persons on their oaths, as to their own criminalty. The principle of that clause was contrary to the spirit of the law. Was it in accordance with the importance of the subject, to alter the statute law by a side wind—by a clause in a bill to prevent bribery at elections, instead of a measure being boldly brought forward, having such alteration for its professed object? The next principle which he contended against was, that embodied in the clause which provided that a commission should be appointed, consisting of three Peers and four Members of Parliament, to inquire into certain cases of bribery. He wished seriously to call the attention of the House to the importance of that clause which altered the customs of Parliament. The appointment of that commission was vested in the Crown, which was, in fact, placing it in the Minister of the day. He did not say his right hon. Friend would abuse the power, as they all knew his fairness, but, supposing they had a Minister who was determined by any violence to prevent his opponents sitting in that House. Supposing such a Minister found the hon. Member for Montrose, and the hon. Member for Finsbury an annoyance; and supposing he wished to abate the nuisance, he would get up a little bit of bribery in the borough of Montrose, or the borough of Finsbury, and a petition would be presented to the House of Commons, and the House of Commons being unable to investigate the business, a commission would be appointed. The commission might be a year making its report, so that a Member might be kept during that period from his seat. The commission, as he had before observed, was to be composed of three peers, one of whom was to be the chairman, and four Members of that House, all appointed by the Minister of the day. Look for a moment at the absurdity of that arrangement. They denied a peer the right of voting for a Member of Parliament, they resisted his interference with their privileges, and yet by a singular inconsistency they wanted now to make a commission, having a peer for its President, which should decide upon their privileges, and become a court of record. Never was anything more monstrous: it was the most complete anomaly he ever heard of. And for what object was the commission to be formed? What real objection had they to the committee as now formed? The real objection was this, that they had no systematic method of obtaining remedies, for the evidence which one committee would receive, another would reject. The consequence of that was, that the reports of committees on the same point frequently differed. They required then some assessor, who would be able to state what evidence ought, and what ought not to be received. Report said—he did not know whether it was true—that the noble Lord made this commission for the express purpose of putting at its head a noble Lord—an Ex-Chancellor—who was very desirous of obtaining such an appointment. Whether that were really the case he could not say, but such had been whispered in certain circles. He maintained that they wanted no commission of that sort. If they wanted a superior tribunal, with an assessor to determine what evidence should be received and what rejected, in Heaven's name let Mr. Speaker appoint seven Members of that House, and get a judge or serjeant-at-law to sit as assessor over them. If any differences in the decisions of committees, had occurred, they had arisen, he was sure not from any corruption or partiality on the part of the committee, but simply from their inability to determine, after the addresses of the counsel on either side, what evidence it was their duty to receive and what to reject. Under these circumstances he maintained, that the commission which was proposed by this bill was not only useless, but wholly contrary to the law as it now stood. He thought that they would be injuring the Constitution if they allowed any one branch of the Legislature to interfere with the other. He had much more apprehension of that House interfering with the privileges of the House of Lords, than of the House of Lords interfering with the privileges of that House; but he was opposed to the commission, because it violated the principle upon which they had always acted, never to allow any Peer to interfere with election matters. He now wished to call the attention of the House to the thirty-fifth clause. The clause was as follows:—

"And be it further enacted, that where costs, charges, and expenses shall be reported and ordered to be paid by the inhabitants of the division of any county, a copy of the Speaker's certificate, together with a copy of the said report, respectively verified by affidavit, shall be lodged with the clerk of the peace, and also with the treasurer of such county, or the said division thereof, and the amount mentioned in such report and certificate, and ordered as aforesaid to be paid by the said inhabitants, shall be raised by an equal pound rate, in the nature of a county rate, to be made and levied upon the several persons who were registered as voters for the said division of the said county for the year in which the election referred to in the report was had; and such rate, with all convenient speed, shall be made, collected, recovered, levied, received, and paid over to the said treasurer, by such authority, jurisdiction, and other person and persons, according to their several authorities and duties, as are by law empowered, authorised, and required to make, collect, and pay over the county rate; and all the clauses, powers, provisions, authorities, liabilities, power of appeal, and exemptions relating to the said county rates shall severally and respectively, so far as may be, extend and apply to the said rate hereby required to be made and raised for the purpose of paying the said costs, charges, and expenses."

Now, he called upon the House to look at the monstrous anomaly of this clause. Assuming, for example, that there were in the borough of Ipswich 1,000 voters, and that of those 450 on each side were honest electors, and the remaining 100 were the very lowest description of 10*l.* voters, what were they going to do by this clause? They were going to levy a rate on the wealthy part of the community, who would have to pay the whole expense. He could conceive nothing more opposed to the ordinary principles of legislation than such a mode of proceeding. He trusted, however, that those clauses to which he objected might be amended in committee; and if this were done, he could have no objection to the bill. The hon. Member concluded by saying, that he should not bring forward the motion of which he had given notice—that this bill be recommitted this day six months—with the understanding that he should have an opportunity, in the committee, of amending the clauses to which he objected. He felt that by then dividing the House on such a motion he would only embarrass those with whom he usually coincided in opinion.

House in committee.

Mr. *C. Buller* said, it might be convenient to the committee that he should now state that there was one material alteration which he had to propose on the suggestion of his hon. and learned Friend the Member for Worcester (Sir T. Wilde), who had given him charge of the bill; and he entirely approved of the grounds on which that alteration proceeded. There were several clauses at the end of the bill regulating the mode in which costs were to be ascertained and levied, which although he had considered them most desirable provisions with the view of checking bribery, must, nevertheless, be abandoned on grounds entirely of a technical nature. The bill, as it originally stood, threw the expenses of inquiries before the committee and commissioners upon the constituencies whose conduct had rendered such investigations necessary. He thought that was one of the most valuable clauses in the bill; for nothing could be more effectual in raising a general feeling against corrupt practices than charging the cost of such inquiries upon the convicted constituencies. No objection in point of principle, therefore, had induced his hon. Friend to modify the 32nd, or to withdraw the subsequent and subsidiary clauses; but he was bound by the decision of the committee up stairs, who had minutely considered with great trouble and patience the various provisions of the bill. The committee decided that only electors should be rated. The 32nd clause enacted that—

> "The costs, charges, and expenses incurred and occasioned in and about the inquiries respectively prosecuted before the committee, or commissioners any part or proportion thereof, shall be paid by the rateable inhabitants entitled to vote in the election for Members of Parliament in and for the county, or borough, or place, where the bribery was practised."

At first his hon. and learned Friend had been inclined to incorporate this limitation and adopt the whole clause; but practical objections presented themselves, which it was impossible for him to surmount. First of all, a special machinery would have been necessary for the purpose, which it would have been impossible at this late period of the Session to arrange and carry through the House. No basis existed for such a rating, separating electors from all other classes. In the case of freemen for instance, rating formed no part of their qualification; a great portion of them were not rated. How, then, were they to make a rate on the freemen? The freemen, as a class, were not certainly the least corrupt; how monstrous then, it would be to rate all, in any constituency, excepting the most guilty! The same objections applied to the freeholders in counties of cities. There was another difficulty arising from the fact, that very often the limits of the Parliamentary borough were not coincident with the municipal boundaries, so that new provisions for rating with parochial collectors must be introduced. If this was the case with respect to England there were still greater difficulties in the case of Scotland and Ireland, where no system of parochial rates existed at all. Those technical difficulties rendered it impossible to carry this provision into effect. When, therefore, they came to the 32nd clause he should propose certain alterations, which would render it unnecessary to discuss the clauses thirty-five to forty inclusive, the intention being to abandon these altogether.

On the first clause, declaring the payment of head-money to be bribery,

Mr. *O'Connell* feared that arrangements might be made to pay head-money without infringing this clause. If money were deposited with any third party before the election, that would not come under the definition of head-money. In the case of one of the boroughs recently inquired into it had been found that each candidate paid *5l.* to every voter before the election, without binding him as to the way in which he should vote, and yet by this clause such practices would not be reached. He would suggest that after the words "payment or gift" in the 13th line, "before, at, or," should be introduced before "after any election;" and in line 17, after the words "paid or given," that these words should be inserted—"on account of such voter having promised or agreed to vote, or having a vote, refrained from voting."

Sir *R. Peel* had also an amendment to suggest which he thought would be most advantageous. The clause made it an offence to pay head-money, or anything of that nature, "in pursuance of any usage or practice which may have obtained." He thought these words should be left out, or the payment of head-money where no such practice prevailed, would not come under the clause.

Mr. *Bernal* thought the suggestions of his right hon. and learned Friend (Mr. O'Connell) deserving of serious attention, but he feared that by entering too much into particulars they would narrow the existing laws with respect to bribery. They might go on adding to their stock of laws against bribery, and yet be only frittering away their effect, doing in short, more harm than good. He contended that whatever was given, before or at an election, for the purpose of influencing a vote was bribery; basket-money for instance, which at Nottingham had been given for weeks before an election, varying in amount from 10*s.* to 30*s.* a week, as a kind of retaining fee, was to all intents and purposes bribery. They must first see their way clearly and then steer straight. It was well known that head-money arose from the practice of giving a dinner to different classes of voters, and those who could not afford to pay their quota were allowed 10*s.* or 12*s.*, or whatever that might be.

The *Solicitor-General* had no doubt that the giving of any sum of money during or before an election, in consideration of a promise or agreement to vote, was clearly bribery now, and therefore it was quite unnecessary for the right hon. and learned Gentleman to introduce the words he had suggested. But a doubt had arisen whether, where head-money was given in pursuance of a practice or custom that had obtained, it could be considered bribery. as they could not infer from general usage any corrupt contract. It was to put an end to all doubt on this point that these words had been introduced.

Mr. *O'Connell* said, his object had been to prevent payments being made to parties not on contracts alone to vote in a particular way, but leaving them indifferent how they might vote. Contract certainly was necessary to the legal definition of bribery, but in the case he alluded to there was no contract to vote or not to vote.

Sir *R. Peel* thought it would be better to leave the law, as respected bribery, as it stood at present. He apprehended that any corrupt contract for the purpose of influencing votes was bribery under the existing law; and the specifying of any particular offence might have the danger of narrowing the jurisdiction of election committees. But when they found an evil existing in some boroughs which was not bribery, such as the payment of head-money, basket-money, and so forth, the best way of dealing with it was, to leave the general law as to bribery untouched, and to enact that this practice of paying various sums of money should be bribery. By such a course the jurisdiction of committees as to bribery would not be narrowed.

Mr. *O'Connell* said, it was proved in the Belfast committee, of which he was a Member, that one party had given a sum of 750*l.* for car-money, though 5*l.* would have been sufficient payment for the service. It was certainly desirable to meet such a case as this.

Mr. *Sheil* said, it was important as soon as possible to provide a remedy for evils which were made manifest by the report of the Southampton committee. It was stated in the report of the committee,

> "That no evidence has been laid before them from which they are enabled to conclude that systematic bribery, in a direct form, and through a regular organization, was carried on; neither have they discovered anything in the nature of a payment of head-money or vote-money to each elector. On the other hand, the committee have received ample evidence of the customary promise or payment of money to electors and their connexions, on pretext of employment at the period of the election. It appears that it has been the usage on both sides to appoint numerous messengers to attend the committee during the canvass, besides bill-posters, clerks, and other persons similarly employed. In addition to this, the successful party has appointed, in like manner, a number of persons to act as colourmen and chairmen, on occasion of the chairing of the candidates after the election. The messengers are stated to have been named from time to time during the period of the canvass, which in the last case continued through five or six weeks; and to have been constantly retained at the rate of 5*s.* or 7*s.* 6*d.* per day."

The office of messenger was a sinecure, and it must be manifest to every Member that this practice was resorted to in order to escape from the law of bribery, and required the interposition of the Legislature. The committee also reported that the colourmen received from 10*s.* to 20*s.* each, and the chairmen from 1*l.* to 2*l.*; and they above all drew the attention of the House to the pernicious practice of treating. If they had stopped bribery in a direct form, they had augmented it in the shape of treating. For five weeks all the public-houses were kept open. In 1831, when there was no treating, 480*l.* formed the expense of the Whig candidates, and the Conservative candidates paid not quite so much. In 1841 the expense of the Whig candidates was 3,000*l.*; and that of the Conservative candidates upwards of 4,000*l.* The following was the evidence of Mr. Lankester, a gentleman who spoke the sentiments of all parties, and who attributed the corruption of Southampton to treating:—

> "You think that the evil is of such a nature that a law ought to be enacted to prevent treating before the writ?—Yes; no doubt that would do much to put a stop to it, and then come upon the fair merits of the case and fight it out; whether we are a Liberal or a Conservative town; the respectable inhabitants wish it to be put down. The respectable persons on both sides, you think, wish that this should be put down?—Yes, no doubt of it. And if an act was passed merely to prevent bribery, which had not the effect of stopping treating, do you not think it would be, in a great measure, a nullity?—Yes, if you debauch men's minds, and keep them in a state of intoxication for six weeks, you unfit them for the exer-

cise of the franchise. Is it your opinion that treating should be prevented for five or six weeks before the election?—Yes. And if that is not done, any other remedy of the Legislature would be useless?—Yes, as far as our town is concerned."

He thought there could be no difference of opinion as to the propriety of putting a stop to this evil. Could this be done by the introduction of a bill, or by the addition of clauses to the present bill? If they put a stop to head-money, would they by the words used for that purpose, put a stop to the payments made for chairmen or colourmen? It was said that this was a bill to detect bribery, and not for the purpose of declaring the facts which constituted bribery. Still he thought it important to define, as far as possible, what bribery was, and not to leave the matter to be settled by members of election committees. With respect to treating, though he should not object to necessary refreshment being provided, yet he thought the introduction of a few words, declaring that treating for the purpose of influencing voters, or which should be given on account of their having voted in any particular way, would remove all question as to the period, whether before or after the issue of the writ; and the intent of the treating might be left to the judgment of the election committees. They desired to put a stop to head-money. This was a substitute for dinners which were originally given after elections, and he was sure that most voters would prefer 2*l.* or 3*l.* in lieu of a dinner. If, then, they abolished head-money they ought also to prevent those convivialities which were a substitute for it, and which had an illicit object in view. They might stop treating by allowing the election committees to judge of the intent, and it was the intent which constituted the offence.

Mr. *Monckton Milnes* thought it would be desirable to insert some words in the clause, stating the fact that there had existed a doubt on the subject of head-money, which by the present clause was declared to be bribery. This was only fair to the constituencies in which the usage had prevailed. At the same time he believed the right hon. Gentleman (Mr. Sheil) had correctly described head-money as a substitute for those festivals which usually succeeded elections; and in place of this, it had been considered better in some boroughs that a certain sum should be given to the voters to take home to their families.

Mr. *Bernal* thought what had fallen from the right hon. Gentleman was deserving of great attention. He coincided in his remarks about treating, and felt certain that almost as much mischief might be done under the disguise of treating, as by positive and direct bribery. There were a great many points to consider. There were attempts at bribery; but it was something more than an attempt at bribery when large sums were paid to colourmen. In the case of Newcastle-under-Line, it was found that money was given to voters, who did not carry the colours, but preceded the colourmen, and were, for the sake of evasion, called "gaffers." There was great uncertainty in the decision of committees on these matters. One committee might hold, that the money given to colourmen and to "gaffers" was direct bribery; and another committee might come to a directly opposite conclusion. Then, if they inserted a declaratory clause in the bill, declaring such acts bribery, they must take care to leave nothing out. The danger of the present clause, therefore, was, that something might be left out; and he would, consequently, suggest to his hon. Friend, who was the sponsor of the bill on the present occasion, to omit the present clause, and confine the object of his bill to the discovery of bribery. It was said, that the clause was of great importance, but intimidation and treating required as effectual a remedy as the offence of head-money; and he was certain that it would not be possible to pass, during the present Session, a bill to meet the evils of which the right hon. Gentleman (Mr. Sheil) had complained.

Mr. *S. Wortley* said, that there were various payments made at elections, not only for refreshments, but in other ways, which it would be impossible to define in the present clause; and the only way to deal with them was to leave to the tribunal they might establish the power of judging of the intent. But for this purpose they must have a proper tribunal, and if the bill would accomplish the object of establishing such a tribunal, and if they in the first clause removed, as proposed by the right hon. Baronet (Sir R. Peel), a doubt found to exist in the present law, then a discretionary power given to the tribunal to judge of the intent of all payments might be sufficient to meet all cases of bribery. He entirely agreed with the right hon. Gentleman (Mr. Sheil) as to the abuse of treating; and there was no doubt that in many cases, and more especially in that the investigation of which had lately engaged them both, a continual system of treating, begun long before the election, produced as great corruption as direct bribery. But they must be careful not to attempt to put a stop by too strong a hand, to the festive meetings of the candidates and electors after the election or they would fail in their object. It was therefore desirable to recognize a difference between proceedings of this kind, which were intended to operate on the result of an election, and to influence the voters, and those *bonâ fide* festive meetings, which naturally took place at a time of general exultation and in the moment of victory. The hon. Member for Pontefract had suggested the expediency of introducing words, declaring that a doubt had existed on the subject of head-money, and similar payments; and the same idea had occurred to him, and he thought words, stating that doubts had arisen with respect to the character of certain offences, declared by the present bill to be illegal, might easily be introduced into the preamble of the clause; and still the existing law as to bribery would be left as it was.

Mr. *Aglionby* said, the hon. Member for Weymouth had shown how difficult it was to introduce into the present clause all the points which those who were desirous of suppressing bribery suggested; but the hon. Member had stated no ground for the withdrawal of the clause, which, if it did not cure all evils, knocked on the head one which was universally admitted to exist. If the amendment proposed by the right hon. Member for Cork were adopted, the clause, he thought, would provide for all the cases suggested by the hon. Member for Weymouth; because, then, any payments made before, during, or after the election, whether as head-money, or in whatever shape, for the purpose of influencing votes, would be deemed bribery. This would comprehend every species of corrupt payment, whether flag-money, or chairman-money. If the amendment of the right hon. Member for Cork were not adopted, the clause would then apply only to head-money. When they came to the 15th line it was his intention to propose an amendment, the nature of which had been, in some sort, anticipated by the hon. and learned Solicitor-general. Up to the time of the Reform Bill, there were few constituencies so expensive as that of Carlisle; and although large sums were expended on the old freemen, there was no instance before the Reform Bill in which head-money had been recognized or practised; but since the time of the Reform Bill, a remarkable change had taken place. It was, in fact, one of the purest of constituencies; but at the last election, for the first time, head-money had been given. He did not accuse the learned Serjeant, who contested the borough, with being a party to the practice which then commenced, but the fact was as notorious as the sun at noon-day. After the last election, for the first time, payments, which might come under the denomination of head-money, were openly made. Any voter who had plumped for the Conservative candidate received two sovereigns, and he who split his vote, giving one to the Conservatives, received one sovereign. He had heard one of the parties who had received two sovereigns charged with the fact, and he admitted it, observing that others had done the same. These payments would not come within the operation of this clause, as head-money, because they were not made "in pursuance of any usage or practice;" nor was there any previous contract, though the system might have been begun with a view to future elections. Now, he should wish to introduce words which would meet this evil; and this might be effected by making the clause run as follows:—"In pursuance of, or without any usage or practice."

Sir *R. Peel*, doubted whether it would not be better to leave out the words altogether, and not make the proof of the existence of a usage necessary to establish the offence. He did not think it advisable, because they could not do all the good which the Legislature might ultimately effect on this subject, that therefore they should omit during the present Session to find a remedy for a great practical evil; and when the noble Lord the Member for the City of London, gave notice of this bill, he stated that he thought any attempt to discourage bribery would be ineffectual, if they left the law as to treating in its present shape; and that if during the present Session they could, without unnecessary interference with the fair liberty of the subject, throw impediments in the way of treating, they would effect a great practical good. To interfere with the exercise of innocent hospitality would be carrying the attempt to put down treating too far, and defeat the object; but at the same time he must say that one of the greatest practical abuses was the corrupting the constituencies by means of expensive treating. This system introduced the most immoral habits among the constituency, the effect of which lasted much longer than the period of the election. In the second place, it gave an unfair advantage to the man of wealth, who might choose to spend 10,000*l.*, 12,000*l.*, or 20,000*l.* for the purpose of corrupting a constituency; and it might deter a man who was perfectly competent to discharge the duties of a Member of Parliament with credit and satisfaction to the country, but who had no money to spend in treating, from standing a contest, for fear of coming into competition with a wealthy opponent. Even if a man had the command of money he might recoil from the consequences of spending it for a period, perhaps, of five weeks before the election, and occasioning continual scenes of drunkenness in the borough which he contested. He, therefore, should not at all object to attempt to discourage such practices, and to prevent treating for the purpose of influencing the election. Let them consider in what an unsatisfactory state the law was at present. By an attempt to discourage the practices he had alluded to a legislative sanction had been given to them, for the law enacted that treating after a certain day should be illegal. Those who passed that law did not mean to diminish the power of Parliament to deal with corrupt bribery at other times than that of the election; but the meaning was to draw a distinction after a given day. In all towns there might be corrupt bribery previous to the test of the writ; but if it were done after that time Members were liable to lose their seats. But he did not find it laid down by any writer on election law that there might be such treating previous to the test of the writ. One writer said:—

> "Neither the Treating Act nor the statutes against bribery were ever intended to cripple the powers of the common law; for, admitting that corrupt treating is bribery, and therefore an offence before the statute, it is impossible to argue that because the statute declares all treating, however moderate, after the writ, to be illegal, it impliedly sanctions any treating before the writ however extravagant and corrupt."

He durst say, that that was the intention of the law; but the practice was corrupt treating before the test of the writ. A candidate shrank from being called a niggardly or shabby fellow, and this practice, whatever might be the intent of the law, of corrupt bribery did prevail. Now, suppose it were possible to abolish that distinction of time and to provide that corrupt treating for the purpose of influencing an election should be illegal as well before the test of the writ as afterwards; he thought it would be an improvement of the law, because they would make such corrupt treating an offence for which a Member would be liable to vacate his seat. If they could not deal satisfactorily with intimidation, but could do so with head-money or corrupt treating, in his opinion they ought not to allow this Session to terminate without taking some caution against that which, above all species of bribery, was the most degrading and corrupting, namely, the payment of sums of money spent in what was called the convivialities of an election, but which resulted in the most brutal scenes, and the immoral effects of which remained long after the election. It was wasting money in the worst possible manner, and gave an undue influence to those who had wealth.

Mr. *Hardy* said, it was most important to introduce some bill of this kind, in order to prevent the expense of bribery, however it might originate, which now gave to a man of large property the chance of coming into Parliament, which a man of smaller property did not possess. He trusted, therefore, that a regulation with regard to treating might be introduced into this bill, and that this first clause might not be passed over. The great mischief of head-money was the expense; it was not because it was bribery, in order to give one candidate an influence over his fellow-candidate, but because it was paid by each candidate whether he won or lost. It was a sort of regulation which had, as the hon. Member for Weymouth had said, been adopted instead of giving dinners; and, if they entered into the history of head-money, they would find it was originally half a guinea, then a guinea, and then, as at the present time, three guineas. It was so in 1826; and every body paid it. He himself had paid it as a losing Member. He did not give it as an inducement for his election, but because, as his hon. and learned Friend Mr. Daniel Sykes, when he came into the House, said, his election would not have cost him 300*l.*, but there was a certain *consuetudo* at Hull to pay a certain sum to the electors after the election, and therefore it cost him 2,500*l.* That was stated in the life of his friend Daniel Sykes, by his hon. Friend, a late Member of that House, Mr. Pryme. He therefore hoped the hon. and learned Member for Liskeard would take care that this clause was, at all events, inserted, and that when it came to pass some little alteration would be made in it; for now it was proposed to make it an offence to pay money or any other valuable consideration to any voter at the last preceding election; but he should propose that it should be at "any" preceding election; because they very well knew that at any general election there might be a petition, and one of the Members at that election might be thrown out, and then came another election, and one of the Members at the last election might take advantage of the head-money that was paid before. He thought, therefore, the word "any" had much more importance than the word "last," because it included all possible inducements under any circumstances to give any money to the electors. He hoped, therefore, the right hon. and learned Member for Liskeard would not follow the advice that was given to him to drop this clause, but would let it pass, and, with the little alteration he had suggested, he thought there could not be a better clause to prevent the expense of laying out money, which was not given as a preference for one candidate over another, but which was an expense that a person who might stand as a candidate was unable to pay.

The *Solicitor-General* said, that the observations which had just been made showed, in his opinion, the distinct necessity that existed for this clause. The hon. Member for Bradford said, that head-money was not thought to be bribery. That rendered this clause necessary. But it was far better, when introducing this clause into the bill for the purpose of stating that certain evil practices had prevailed, and that various doubts had been entertained whether they came within the existing law of bribery, and then to go on to state that such practices should be considered bribery, to recite in the preamble that such doubts had prevailed, so that it might not be considered that the Legislature, in passing this law, intended to give anything like a definition of bribery, because if they did and anything were excluded from the clause they might be considered as giving sanction to that kind of bribery. It was better also that the clause should stand in some other part of the bill, and that the hon. and learned Member for Liskeard should withdraw it and introduce it with a preamble as to the doubts and practices that prevailed at the end of the bill. He did not think it wise to introduce into the bill anything as to the payment of head-money or flag-money. That a payment of money to influence a party to give his vote at an election, if the vote were given upon that payment, was bribery, there could be no question; but if they stated a particular sort of bribery, what was the consequence? The next time they went before an election committee the counsel would say—"You have defined what is bribery, and this particular case does not come within it." As to the suggestion made by the right hon. Gentleman opposite, he entirely agreed with him in the advantage, if there were any mode of making stringent the law of bribery. The hon. Gentleman said, that under the act of Parliament the payment of money after the test of the writ must be in order to be elected, and therefore he suggested, that payment either before or after the test of the writ should be considered treating: but the construction put on the act of Parliament, notwithstanding the words of the act, was not that the object of the giving had been considered essential, and they had known instances of Members giving refreshments to persons coming in from the country, and yet that was considered sufficient to come within the letter of the law, and Members had been unseated for it. It was, therefore, most difficult, whilst putting down bribery, not to put an end to mere hospitality. But it might be a considerable improvement in the present clause not to introduce the distinction of time before the test or after the test of the writ. It was said that by one of the acts, if the bribery were before the test of the writ, it was legal; he thought it would be better to remove that distinction as to time. At the same time, it should not be stated that simply giving was treating, but the object and intent with which it was given should be stated; and it might be considered, between this time and the bringing up of the report, whether it would not be a considerable improvement to have a clause for head-money distinct from bribery, and another distinct clause for treating.

Mr. *C. Buller* must say, that there was a great deal of force in the observations made by the hon. Gentleman to the clause, and he agreed with the hon. and learned Gentleman opposite, that whilst they were enacting a clause against head-money, they were liable to the charge of sanctioning other modes of bribery, which were not included in that charge. It was said that they were commencing a bill for the better discovery of bribery with defining and prohibiting one species of bribery; and that that looked as if that was all they had to do as against bribery. Now, he thought that would be obviated by the course proposed by the learned Solicitor-general, viz., that in the first place, the clause should be withdrawn from its present prominent position in the bill; and that, secondly, there should be a preamble to that and the clause referring to head-money, and to the doubts that prevailed on the subject, and the necessity of clearing up those doubts. The bill would then appear to be a bill for the better discovery of bribery, with a clause at the end as to a particular kind of bribery in the shape of head-money. He was, therefore, happy to accept the suggestion of the hon. and learned Member to withdraw this clause, and to introduce it hereafter with a preamble, stating the reason for the clause when the report was brought up. Clause A would then stand the first clause of the bill.

Mr. *Escott* felt very strongly the importance of this clause. It appeared to him the best part of the bill, and the only one calculated at all to put a stop to bribery and corruption.

Clause negatived.

On the next clause,

"Committee authorised to ascertain the cause of the abandonment of charges of bribery, and to report,"

Mr. *Bernal* begged particularly to invite the attention of the law officers of the Crown to a point which suggested to his own mind something of doubt. The clause concluded thus:—

"And for more effectual discovery of the truth of the matters so to be inquired into, full power and authority is hereby given to such committee to examine the sitting Member or Members, or candidate or candidates at the said election, and their several and respective agents, and all other persons whomsoever, touching and concerning such matters."

Now, was it intended under this provision to give a compulsory power of examining attornies or other agents, as to matters confided to them by clients?

The *Attorney-General* said, it appeared to him that the due construction of the clause was this—it gave full power to examine sitting Members, over whom otherwise there would be no such power; or candidates, over whom otherwise also there would be no such power; and also, "several and respective agents,"—"all other parties" being, he need not say, superflous. But it appeared to him, that these words left the rules of evidence just where they at present stood; and but for a subsequent enactment (which he would not anticipate), the rules of evidence ordinarily applied to examinations, would apply to the examinations of sitting Members or candidates; as, for instance, a professional man would not be called upon to disclose any secret.

Mr. *Bernal* said, what he meant to ask was, whether the rule of law, protecting professional agents from examination as to matters intrusted to them confidentially, would be altered. A case had occurred in which, on an election petition, the House had attempted to make a professional man disclose matters with which he had been confidentially intrusted; and for refusal the party had been committed. He only wished to have a clear understanding on the subject.

Sir *R. Inglis* doubted not whatever might be the inclination of the noble Lord who had brought in this bill, or the learned Gentleman who was conducting it, that the effect of the clause as it stood was to withdraw the protection now given to professional men. Under this clause certainly, professional agents might be compelled to disclose matters confidentially intrusted to them. Words could not be more strongly applied than were those which concluded the clause. The effect, palpably, would be that in the case of any borough, the sitting members, the candidates, and the agents, might be put into the box and compelled to disclose all they knew. Now, he saw no reason why in these investigations the old and ordinary principles of law should be abandoned; though it really did seem to him, that the proceedings of the last few weeks indicated a feeling on the part of too many in the House that bribery was the concentrated essence of all crime, and that next to that offence, the compromising an inquiry into it was the greatest of all iniquities. If the rules of the law of evidence were to be altered, let it be so as to other matters than those concerning bribery at elections. He objected, then, to the latter part of the clause, because he saw not why as to bribery the established principles of law should be disregarded.

Mr. *O'Connell* wondered that the hon. Baronet should treat bribery with levity. The offence was undoubtedly one of the greatest that could be commited—it was equivalent to usurping power over the lives and liberties of the subjects of the realm, and was assuredly a most atrocious crime. Now, he had not understood the Attorney-general to lay down the law as to how far the privilege of agency extended. The hon. and learned Gentleman had certainly said this, that the clause altered not the law thereupon; but the privilege, let it be recollected, was the privilege not of the agent, but of the principal; and if you examined the principal, surely you would examine the agent. Privilege of attorney had been very much limited, and was restrained to communications relative to a suit; so that communications made extraneously thereto, and touching the election itself, could not in his opinion come within the privilege. Nothing could be more useful for the suppression of bribery than the compelling of parties to disclose their transactions: indemnify them if you would, but give the power of examining them—that would be the best means of prevention.

The *Attorney-General* did not apprehend that, according to the law, you had the right to examine the agent wherever you might examine the principal. If a principal in a court of law could not be got at, his attorney could not be examined as to confidential communications and so in Chancery. The privilege, too, let it be observed, was neither the privilege of the principal nor of the agent: but it was a great necessity that there should be free and unreserved communication between principal and agent, in order that affairs might be conducted with facility and fidelity. A violation of this confidence, then, would be a serious blow to the general relation between attorney and client, and as such a public injury.

Mr. *Sheil* would draw a distinction between the agent who conducted the election petiton (and whom, of course, it would not be just to examine), and the agent who had acted at the election itself, and had been employed in bribery or corruption. He called that not confidential communication, but criminal intercourse; and thought it would be monstrous if such parties could not be examined, more particularly as it was well known that in Chancery executors and trustees were daily examined as to matters confidentially intrusted to them.

Sir *R. Inglis* wished to set himself right as to what he had said upon bribery: he had spoken of it in no tone of levity; on the contrary, the other night he had used a remarkably strong term—he had called it a "sin." But, he repeated, that he professed not such a degree of political purity as to be disposed to deal with bribery as though it were the concentrated essence of all iniquity; and he said again, that from the legislation of the last few weeks an impression had certainly been created that the feeling of the House was, that so long as bribery was exposed, all other things were of perfect indifference, however important in point of law and justice. Bad as bribery was, there were other election abuses quite as detestable, and for which, perhaps, the learned Member for Cork and his Colleagues from Ireland would do well to frame their pure legislation—he meant bloodshed and intimidation.

Mr. *C. Buller* desired to have it understood that this clause had nothing to do with bribery, but compromises. The power it gave of examining sitting Members, candidates, or agents, was absolutely necessary, if compromises were to be discovered at all. The object of the clause was to get these parties before the committee; it did not express what they were to say; of course, he meant not to imply that they would not be called on to answer, but what he said was, that calling them before the committee would be of no avail if the mere fact of being a party to the matter inquired into were to obstruct the examination. It was well known, that in nearly all cases the compromises were conducted by agents; the Members declared they knew nothing of the matter, everything being left to the agents. So that, if the inquiry were to be carried out at all, the agents must be examined; nor would any professional privilege screen them, seeing that in respect to these compromises they were principals.

The *Solicitor-General* said, if he thought the effect of this clause would be to change the law as to confidential agents, he would not support it; for he was not at all disposed to alter the law of evidence on the subject; but he did not understand that the clause as it was now worded would have that effect. The effect of the clause had nothing to do with bribery. Suppose a petition presented alleging the fact of a compromise: the committee were to have the power of examining into it, and (for that end) of examining principals and agents. Now, as to privilege of agents, it had been said, that it would not extend to the agents who conducted elections, but only to agents for petitions. The fact was, however, that the privilege did not extend to any save purely professional agency. An attorney or agent might be examined as to acts he himself had done; for that involved not the betrayal of confidence, which would be involved in the disclosure of confidential communications. In acceding to this clause, however, he begged to guard against the supposition that he was prepared to support other clauses in the bill, or to assent to the principle that parties most conversant with matters ought to communicate them, however criminatory.

Mr. *Darby* regretted that neither the noble Lord (Lord J. Russell) nor the late Solicitor-general, whose names were to the bill, were present. There occurred to his mind this difficulty:—That after a charge had been withdrawn, the committee might yet go on investigating not merely an alleged compromise, but a charge of bribery—the expenses of the committee going on all the time at the parties' cost. Now, if this must be done, at least let the law be altered as to the burden of paying, and let the public take up the prosecution; that was not the case at present, and while the contrary remained the fact, and the petitions of parties were viewed in the light of private suits, it did seem hard to throw on the parties the expense of a protracted investigation conducted against their will. As to the examination of agents, the clause was nugatory unless it withdrew some protection now given by law; and if this were so, the principles of law, as regarded the rules of evidence, were about to be altered in a manner to which he could not assent.

Mr. *Escott* strongly objected to dealing with bribery as though it were so enormous an offence that the suppression of it would justify the most enormous violation of liberty, justice, and law. It was contrary to all principle, all precedent, all law, and all justice, to trust the rules of evidence according to the case you had to deal with. The rules of law should not be disturbed and warped in order to meet this or that particular offence. Were the case that of murder, law, and justice would not so monstrously be violated. From what the Solicitor-general had said about the clause not referring to bribery, it would seem that if the hon. and learned Gentleman had thought differently on that point, he would not have supported the clause. But what were the words of the clause?—

> "The committee shall be authorised to state in their report any special matter relating to the said charges of bribery."

They would not be of such consequence if it were at all anticipated that committees under the clause would act as one committee recently had, and state in their reports matter not at all substantiated by the evidence; but as there was no reason to expect that future committees would act in this strange and illegal manner, the question of evidence became of importance; and he was at a loss to know why all the old principles of law were on this subject alone to be utterly set at nought.

The *Solicitor-General* thought his hon. Friend could not have read the clause accurately, seeing the manner in which he treated it. The clause was not a clause for appointing a committee to try an election petition; but it authorised such a committee, when any election petition was abandoned, to ascertain the cause of the abandonment.

> "If, after a committee shall have been nominated for the trial of an election petition, in which bribery shall be charged to have been committed, the petition shall be withdrawn, or the charges of bribery therein contained, or any other charge of bribery which shall have been made or stated before such committee,

whether in support of any petition complaining of the return, or by way of recrimination, or in answer to any petition, shall be withdrawn, abandoned, or not *bona fide* prosecuted before the said committee, it shall and may be lawful for such committee in its discretion to examine into and ascertain the circumstances under which such withdrawal, abandonment, or forbearance to prosecute such charges as aforesaid shall have taken place, and whether the same has been matter of compromise, arrangement, or understanding, covert or otherwise, in order to avoid the discovery of bribery at the said election; and the said committee shall be authorised, if it shall think fit, to state in their report upon the election petition any special matter relating to the said charges of bribery, and the cause and reason of the abandonment or forbearance to prosecute the same; and for the more effectual discovery of the truth of the matters so to be inquired into, full power and authority is hereby given to such committee to examine the sitting Member or Members, or candidate or candidates at the said election, and their several and respective agents, and all other persons whomsoever, touching and concerning such matters."

Well, that was giving a power only to inquire into the cause of the abandonment of the petition—nothing more; but in the following clause it was enacted—

> " That if any committee nominated to try an election petition shall report that there are grounds for believing that extensive or general bribery was practised at the election to which such report shall refer, and shall recommend that further inquiry and investigation should be made regarding such bribery, in that case the Speaker shall nominate an agent to prosecute the investigation into the matter of the said bribery; and the said committee shall, within fourteen days from the time of their having made their report on the election petition, re-assemble, and shall inquire and ascertain whether bribery was or was not practised at the said election, and to what extent, and shall specially report to the House all such matters relating to the said bribery, and the parties implicated or concerned therein, as to the said committee shall seem expedient."

So that the committee were to meet again to inquire into any alleged cases of bribery, if they specially reported such cases, and recommended inquiry into them. The hon. Member for Sussex, to be consistent, ought to propose that the whole clause should be omitted. The part which the hon. Member proposed to leave out was absolutely necessary, and without it the clause would be inoperative; becsuse the object being to inquire into the cause of the abandonment of the petition, the persons mentioned were the persons who alone could give the required information. He should, therefore, vote against the proposition of the hon. Gentleman.

Mr. *Aglionby* was afraid that by these attempts at literal definitions the bill would be altogether shelved, or frittered away until it became valueless. The committee were just now at the same point they were at more than an hour ago; the discussion was quite tedious. He thought the Solicitor-general was mistaken in his view of the effect of the two clauses he had cited. What he wanted to have was full power for the committee to search out the truth; and he was determined to do all he could to secure that power for them, for his object was by all means to put down bribery, and that power he conceived to be one great instrument by which such a result was to brought about, because by the exercise of that power it was that bribery would be discovered. Unless it were discovered, it could not be put down. The committee should be authorized to examine the agents and every party concerned in an election; and he was determined to admit no words into the clause which would prevent professional men from making disclosures such as were allowed in courts of common law. If the candidates were liable to be examined, the agents should not be allowed to escape. It might be said, "You may examine a common agent who is not a professional man." What would be the effect of that? Low attorneys would be employed to do the dirty work, and then the very information that was most wanted would be withheld, and the questions of the committee would be evaded, on the ground of confidential communications with a legal adviser. The evil had grown to an enormous extent, and it cried aloud, both within the walls of that House, as well as beyond them, for extraordinary measures to be taken to put it down. He would have no privileged persons in these matters. He would rather raise than lower the character of professional men. But he would ask whose privilege it was,—that of the professional man or of his client? He thought it rather the privilege of the public, because they were interested in not having every communication made known upon every trial that took place; therefore, unless they expressly declared in the bill that no attorney or professional agent should be allowed to shelter himself under the plea of confidential communications, such a person might go about and tempt the honesty, and sully the purity of his neighbours with impunity. He thought, perhaps, that the words of the clause as they now stood, would be sufficient to secure his object, and therefore he should support it.

Mr. *Darby* said, that as far as the committee up stairs was concerned, it was most distinctly understood that the law was not to be altered. He was decidedly against the hon. and learned Member for Cockermouth. His hon. and learned Friend the Solicitor-general seemed to ask him how the committee could get into the question of bribery. Why, were they not to report, and, having examined the candidate and the agent, what could prevent them from stating in their report what they heard from the witnesses respecting bribery? He knew that he was going against a high authority when he differed from his hon. and learned Friend ; but how did the case stand? The committee would first inquire into the cause and reason of the abandonment of the petition, and for the more effectual discovery of the truth of the matter relating to the case, they might examine sitting members, candidates, and agents, and make a special report respecting charges of bribery ; and what was to prevent them from getting upon the subject of bribery? They would ask a candidate why he compromised? If told that bribery prevailed, and a compromise was the more prudent course, the committee would naturally inquire how many voters were bribed, and who bribed, and thus the whole question of bribery would be gone into under this clause. The committee were to report specially, and then, under the third clause, the committee having stated the grounds of their belief that bribery existed, a second committee was to be appointed to inquire into that bribery.

Mr. *C. Buller* said, the 26th clause would obviate the objection of the hon. and learned Member. He did not wish to carry anything by a side wind. Objection was made to that part of the clause under discussion, which gave power to examine the candidates and their agents; and he agreed with the hon. and learned Member that there were words in the clause which conferred that power in regard to charges of bribery. He would shape this clause so simply as to meet the particular purpose in view, namely, that it should have reference to matters of compromise only; leaving the other matter to be dealt with directly by clause 26. He was, therefore, quite ready to strike out all the words that related to charges of bribery ? but he must insist upon the committee having power to examine candidates and their agents, because he thought it absolutely necessary; without it the bill would be worth nothing. He would therefore suggest that the words "charges of bribery" be struck out, and that the last word "matters" be put into the singular number.

Mr. *Bernal* observed, that the bill ought to be simplified as much as possible. During the present Session they had seen how many references had been made to the Speaker, owing to the indeterminate and indefinite position in which matters were placed before committees up stairs. This was acknowledged by all to be an important bill; yet they were discussing it at a late period of the Session, and with a very thin House. The hon. and learned Member for Cockermouth had very properly said that after more than an hour's discussion they were just where they were. It was time they knew what their intentions were. He believed that a large number of Members did not know that the privileges of attornies and professional men were to be infringed by this bill.

Mr. *Escott* wished to have the principle of the bill discussed. The question was, whether they would put down a new offence by new modes of proof? His hon. and learned Friend had not touched that point; he had merely stated that he would continue those new modes of proof in cases of compromise. Why, if there was any meaning in the word "compromise," it was used to signify a plan for concealing bribery and corruption. Then how could his hon. and learned Friend confine these new rules to cases of compromise simply? Suppose they were going to inquire into all the circumstances of a compromise between A and B; the first question put to A was, "Why did you make a compromise?" The answer—"Why, there was so much bribery practised that we were both afraid, and in order to avoid exposure we compromised." Was it not impossible to avoid getting into the question of bribery?

Mr. *C. Buller* would be ready to discuss that question when the committee arrived at the 26th clause. Suppose A to answer as described by the hon. Gentleman, pass on to the 26th clause, and there you found power given to inquire into bribery. Whether the committee would adopt the 26th clause or not, remained to be seen.

Mr. *Henley* thought, there would be some inconsistency, supposing the committee to have made their first report, and the Members to have been seated, if within fourteen days afterwards they were to re-assemble and take information to prove bribery against them. He objected to the principle of this bill, because it went to authorize means which were not resorted to in cases of high treason, murder, or felony. Let them not endeavour to do this by a side wind. Let them not set aside all the rules of evidence and justice, to effect that which would do no good, or at least none at all equal to the evils it would produce. They were about to place the committee in a position to make them vote black one day and white another. Nay, they would do more to destroy confidence in that House than anything else they had done. He would rather have the clause struck out altogether.

Mr. *Sheil* said, that a distinction ought to be made between what was done by the agent, and what was done by the client. Hon. Gentlemen opposite would not object to the acts of the agent being discovered. The observations of the hon. Gentleman who spoke last seemed to intimate that he conceived the agent should not be asked what he did. Now, it was one thing to ask the agent what he did, and another what directions he had received from his client. They had a right to ask what he did; but he might be stopped if he were to ask, "Did your client direct you to do that?" because that would be trenching on a privileged communication. [The *Solicitor-General:* Not a mere common direction.] A mere common direction, then, would not be a privileged communication. In the case of the inquiry into the Bridport election privilege was claimed by one of the witnesses, and there it was an obstruction to the development of the truth. Not only should the parties be subjected to examination, but the agent should be asked all that he did. He would not go so far, however, as to ask an agent what his client had directed.

The *Solicitor-General* said, hon. Members seemed almost to have forgotten the real subject under consideration, and he could assure his hon. Friends who were opposed to the examination of the sitting Member, the candidate, or the agent, that they were not furthering their object by discussing it on that clause. It was not intended to do away with the privilege of attornies by that clause, still he was most anxious to make it as clear as possible. The object of the clause was to inquire into and find out compromises of all kinds which were in any way connected with election proceedings. Such was the object of clauses 2, 3, and 4. It was clauses 26 and 27 which gave the power to examine generally, and when they were under consideration the discussion in which they had been engaged would be profitable. He was of opinion that the words "arrangement or understanding" ought to be put in place of "matters," at the end of the clause, in order to show clearly, that they had no intention to alter the law of evidence.

Mr. *Darby* said, if the words suggested by the Solicitor-general were added, he would not further object to the clause.

The *Attorney-General* moved, that after the words "committee to examine," the words "as witnesses subject to the ordinary rules of evidence" be inserted. The clause would then read, "committee to examine as witnesses, subject to the ordinary rules of evidence, the sitting Member or Members, or candidate or candidates, &c."

Mr. *C. Buller* had adopted the amendments which had been proposed merely because he did not wish to anticipate the discussion on the 26th clause. If the House adopted that clause, some of them must be omitted. He would suggest that if he agreed to adopt the proposed words now, they should be expunged on the bringing up of the report, provided the House agreed to the 26th clause.

The *Attorney-General* was anxious for the adoption of the words, in consequence of the opinion given by the hon. Member for Cockermouth, that under the clause as it stood attornies would be compelled to give evidence even of privileged communications. He frankly acknowledged that he would offer the most strenuous opposition in his power to the 26th clause. If the hon. and learned Gentleman could induce the House to sanction that clause, he would have no difficulty in inducing them to strike out the words he now proposed upon the bringing up of the report.

Mr. *O'Connell* submitted to the learned Attorney-General, that the effect of his amendment would be to destroy all the remaining words of the clause. If the amendment had only been "that they shall be examined as witnesses," he would have had no objection. The sitting Member might be a party in the case. ["No, no."] Yes; for he might be liable to the costs for a frivolous defence of his seat. Some hon. Members seemed to stand in a sort of awe of that rule of the English law, that a man should not criminate himself. Now, that was a rule which had not been adopted into any other code of laws in the world. He would not compel any one to give evidence under the pain of torture, but he thought they should by all fair means discover the truth. The truth would not criminate an honest man, and for the criminal he had no sympathy. All the witnesses were to be indemnified. No indictment could lie against them; the very foundation of the rule, then, was taken away. The rule was laid down to save the party giving evidence from any penalty for offences disclosed by himself; he was to be indemnified under this bill. They had got rid of the cause for the rule, they ought also to get rid of the effect. The hon. Baronet opposite (Sir R. Inglis) seemed to insinuate that he would not be willing to do away with intimidation. He considered intimidation as gross a breach of morality as bribery. If the hon. Baronet would introduce a measure to put the practice of intimidation down, he should have his earnest and anxious support. One means of doing so was by the ballot, which he earnestly advocated. However, as he had made that sincere promise, if the hon. Baronet did not introduce any measure for putting down the practice of intimidation he must no more insinuate that he favoured it. He would suggest the omission from the amendment of the words "subject to the ordinary rules of evidence."

The *Attorney-General* wished to explain what he conceived would be the effect of the insertion of these words. They would preclude the committees from receiving hearsay evidence, from requiring parties to make statements which might criminate themselves, and from putting to the witnesses such questions as according to the ordinary rules of evidence they were not bound to answer. He could not consent to the proposal of the hon. Member for Cork for striking out these words.

Amendment proposed by the Attorney-general agreed to.

On the question "that the clause stand part of the bill,

Mr. *Aglionby* said, it was his determination, when they came to the 26th clause, to divide the House on that clause. It appeared to him, that there was a very general disposition, on the part of hon. Gentlemen opposite, to object to the provisions of this bill; and he thought that the hon. Gentleman who had charge of the bill manifested a very conciliatory disposition, and had agreed to alterations which materially impaired the efficiency of the measure. He felt so much dissatisfied with the manner in which this bill had been conducted, that his interest in the measure had considerably abated; and it was his sincere hope that, when the noble Lord, the Member for the city of London, who was now at a distance, heard of the discussions which had taken place to-night, and ascertained the nature of the alterations which had been made, the noble Lord would determine to cut the Gordian knot next Session, by bringing forward measures for the extension of the suffrage and for the establishment of vote by ballot. He believed it was only by the adoption of such measures that the bribery and intimidation which prevailed so extensively could be effectually suppressed. He thought it was evident that, when this bill had passed through the committee, it would be utterly inefficient to accomplish the purposes for which it was designed.

Mr. *C. Buller* said, after the observations of the hon. Gentleman who had just sat down, he must beg leave to address a few words to the House. The only alteration in the bill to which he had given his consent, was one suggested by the Attorney-general; and his reason for agreeing to that alteration was, that he did not wish to anticipate the discussion which would arise upon the 26th clause. He conceived it was not advisable to take the discussion on the principle involved in that clause incidentally, but that the best course was to take it on the clause itself. He did not plead guilty to the charge of having made any improper concession, or of having abandoned any important principle of the bill. He begged to tell the hon. Member for Cockermouth that, in the 26th clause, he had a rock on which he would take as firm a stand as the hon. Gentleman himself.

Sir *R. Inglis* said, that, on no former occasion, had so little party spirit been displayed in the discussion of questions connected with this branch of legislation, as during the present debate. He believed, indeed, that one of the most formidable opponents of the measure was to be found on the opposite side of the House. He entertained strong objections to this clause, which raised the question, whether compromise was or was not a crime? He would submit to the hon. Gentleman who had charge of the bill, and to her Majesty's Government, whether they were advantageously employing the public time in continuing the discussion on this bill, unless there was a reasonable prospect of its speedily becoming law? He presumed it was not intended that Parliament should continue its sitting until this bill had passed through the Legislature. They had now been engaged for three hours and a half in discussing, practically, the first clause. The bill contained forty-four clauses, and although it was intended to abandon some of them, the remaining clauses would, doubtless, lead to considerable discussion. He hoped the hon. Gentleman and the Government would consider whether there was a reasonable prospect of determining this question during the present Session; for if there was not such a prospect, it was useless to waste the time of the House in discussions which could lead to no beneficial result.

Sir *R. Peel* did not think this clause proceeded on the assumption that compromise was a crime. Its object was to provide against the case of compromises, which might impede those inquiries which it was sometimes most important to institute, in order to ascertain whether or not bribery had existed. It was not necessary to show that compromise was a crime; but if, by compromise, impediments were thrown in the way of inquiries into charges of bribery, a sufficient reason was, he thought, afforded for endeavouring to prevent such obstruction of inquiry. No one could entertain a stronger sense of the value of the time of the House than he did; and, if he felt satisfied that no legislative remedy could be adopted to meet these cases during the present Session, he would be the last to encourage discussions which only consumed the public time. He thought the provision of this bill which enacted that, if a compromise was entered into, an inquiry should be instituted, would have a most salutary effect on the elections which would take place during the recess; for the candidates and the people would be aware that, in the case either of bribery or of compromise, strict inquiry would be certain. The bill contemplated the disfranchisement, to a certain extent, of boroughs in which extensive bribery had prevailed. He thought that this was a proper course to pursue, and he was prepared to state his reasons for supporting the proposal, when the clauses respecting it came under discussion. He thought the adoption of a measure which insured strict inquiry into charges of bribery and compromise would effect great practical good; and he hoped the House would proceed, as speedily as possible, with the consideration of this bill.

Clause agreed to.

On clause 5 being read,

Mr. *Darby* said, he had very strong objections to this clause. By this clause, they allowed any individual in a borough, after the heat of a contested election, to present a petition against the return, and the only security taken was two recognizances; and such petition was not only to be prosecuted at the public expense, but the witnesses also were to be indemnified. All the rules of evidence were to be overset. He thought such a measure very exceptionable. He must say, that the machinery of this bill, instead of eliciting truth, would get together a great mass of false evidence. He thought it most objectionable that any individual of any borough should be able to present these petitions at any time. He could not but believe that every sort of bad feeling would be called into action to induce men to present such petitions, and that men would be induced to present them from feelings of revenge. He thought that to pass such a clause would be a most dangerous course. If the clause were put to the committee, he had such strong objections to it, he should feel it his duty to divide the committee against it.

Mr. *C. Buller* could not agree with the hon. and learned Member. He thought that on a proper petition from a borough the House should undertake the inquiry at the public expense. It seemed to him that all the learned Gentleman's objections to the clause were because of the facility given by it to presenting petitions. The hon. and learned Gentleman objected that this clause gave the power to a candidate, or to any one elector of a borough, to present a petition to be carried on at the public expense. He must say that it appeared to him that this bill had effectually guarded, in every possible way, against the evil of frivolous petitions. All election petitions were liable to the same charge. Any individual Member of a borough might present one, and how did they now guard against the presentation of frivolous petitions? By requiring the individual presenting a petition to enter into recognizances to prosecute it, and by saddling him with the expenses if he did not succeed in his petition. The same course was taken by this bill. The individual presenting a petition was obliged to enter into recognizances to prosecute it, and the bill gave the committee power of saddling him with the expenses of the petition if it were a frivolous one; but if the individual did this not for any private advantage, but for the sake of the public, in order to prove an extensive system of bribery, then the expense must be borne by the public and not by him. Under the present clause no one who presented a petition could gain a seat by it; the only effect of the petition would be the exposure of an abuse for the public good. If any person presented a petition from private motives, or presented a frivolous petition, he could still be saddled with the expense of it. He thought it rather too hard, where a party presented a petition with no private object but only for the public good, that he should be at the cost of that petition. He could not conceive a more just principle than that on which this bill went. He thought the hon. and learned Member had made out no case of abuse against this clause.

Mr. *Darby* said, the recognizance to be entered into by a party petitioning was no security at all. It was not of equal security as if he were liable to pay the costs, if he once proceeded in it. It was easy to get up a case of bribery. A witness before one of the election committees had said, "Only let me go to a borough, and I will get evidence to prove anything." He remembered that the hon. Member for Newark had stated that he believed from his experience that the greater part of these cases were tried on false evidence. He did not feel the necessity for this bill, nor for carrying out measures that were only dangerous. He believed they had already done that which would put an end to bribery altogether, and he therefore should oppose the clause.

Mr. *Hardy* thought there was good reason to object to the clause altogether, if they looked at clause 13. The 13th clause rendered it improbable, if not impossible, to expect that any investigation could take place under the provisions of this bill. By this clause they said, that if a petition were presented after the time of receiving election petitions, if presented within three calendar months after any act of bribery charged therein, an inquiry should be entered into. Then came the 13th clause, that notwithstanding what might happen in consequence of any investigation of this kind, no seat of any Member should be affected by such inquiry. He would ask any hon. Member if he ever knew of any election petition being presented against the return of any Member, but with the view of obtaining his seat? If the parties could not have a chance of having the seat for themselves or for their friends, how could they expect that any petition would be presented, or that men would be so public-spirited as to present petitions asserting acts of bribery, and follow them up for the public good? They took away the temptation of parties to inquire into all these matters, and, therefore, they were enacting that which would be totally fruitless as to any result; because no one would volunteer such an inquiry, except for the purpose of acquiring a seat for himself or his friend.

Mr. *Henley* thought there was a vast difference between vexatious and frivolous, and "reasonable and probable ground for the allegations." He thought there was a very wide margin between the two cases; and he thought the clause would be open to question out of doors. He had also another objection to this clause — that they would be setting up two separate tribunals; one, an election committee, might have tried a petition on the evidence before them, and might have come to a decision that the Member petitioned against was rightly seated, and that no bribery had been committed. Almost at the same time, another petition might be presented, to be tried by a separate tribunal, and with different evidence, and a different report might be come to; and then in what position would they stand?

They would have Members sitting there untouched, at the time when it should be reported to the House, that bribery had been established against them, and that they improperly held their seats. He thought, if a complaint were made at all, it should be made in the usual limited time. On these grounds he should oppose the clause.

Mr. *Escott* said, this clause would lead to an unlimited expenditure of public money. An individual influenced by any animosity had only to present a petition to have it tried at the public expense. It was true, that individual was to enter into recognizances, but was there any borough in England without dissatisfied parties with money enough in their pockets to pay for the gratification of their feelings, and who would encourage petitions of this kind? He trusted, that such hon. Members (if any should be found) as voted for this clause would one day or other suffer under its provisions, and he was convinced that if the clause were to pass, there would be no end to the malicious prosecution of petitions, merely for the purpose of gratifying private and party spite.

The committee divided on the question that the clause (5th) stand part of the bill:—Ayes 62; Noes 15: Majority 47.

List of the AYES.

Aglionby, H. A.
Aldam, W.
Baird, W.
Baldwin, B.
Blackburn, J. I.
Boldero, H. G.
Brotherton, J.
Bruce, Lord E.
Buller, Sir J. Y.
Callaghan, D.
Chetwode, Sir J.
Clerk, Sir G.
Cochrane, A.
Colebrooke, Sir T. E.
Colquhoun, J. C.
Crawford, W. S.
Cripps, W.
Douglas, Sir H.
Douglas, Sir C. E.
Duncan, G.
Duncombe, hon. A.
Dundas, Adm.
Eliot, Lord
Flower, Sir J.
Gaskell, J. Milnes.
Gladstone, rt. hn. W. E.
Graham, rt. hon. Sir J.
Hamilton, W. J.
Harcourt, G. G.
Hardinge, rt. hn. Sir H.
Hawes, B.
Hindley, C.
Hodgson, R.
Howard, P. H.
Hume, J.
Jermyn, Earl
Lincoln, Earl of
Litton, E.
Morgan, O.
Napier, Sir C.
Nicholl, rt. hon. J.
O'Brien, J.
O'Connell, D.
Pakington, J. S.
Palmerston, Visct.
Parker, J.
Peel, rt. hon. Sir R.
Pollock, Sir F.
Praed, W. T.
Pulsford, R.
Rushbrooke, Col.
Smith, rt. hon. R. V.
Somerset, Lord G.
Stanley, Lord
Sutton, hon. H. M.
Thompson, Ald.
Trench, Sir F. W.
Troubridge, Sir E. T.
Villiers, hon. C.
Wawn, J. T.
Williams, W.
Wrightson, W. B.

TELLERS.
Buller, C.
Fremantle, Sir T.

List of the NOES.

Arkwright, G.
Astell, W.
Broadley, H.
Escott, B.
Forbes, W.
Fuller, A. E.
Henley, J. W.
Hussey, T.
Lowther, J. H.
Lygon, hon. Gen.
Mackinnon, W. A.
Munday, E. M.
Northland, Visct.
Polhill, F.
Taylor, J. A.

TELLERS.
Darby, G.
Hardy, J.

Clause 6, regulating the proceedings in case an election petition was withdrawn before a committee was appointed for trying the same, was agreed to without a division.

On clause 7, providing that the petitioners be required to enter into recognizances, being put,

The Attorney-general moved to increase the amount of the recognizances from 100*l.* each for two persons to 250*l.*, and from 200*l.* for one person to 500*l.*

Sir *R. Peel*, although he had been a Member of the select committee, had not been able to be present when this particular question was under discussion. He had a perfect right now to consider the proposal made in the bill as to the amount of the recognizances to be entered into by petitioners. Upon principle he must say, that while Parliament facilitated inquiries and investigations into charges and allegations of bribery and corrupt practices, it ought to take care to provide against annoyances through vexatious proceedings. At present, unless the return of a Member was questioned within fourteen days, that Gentleman felt secure against any future annoyance, but under this bill he might be liable, during the whole of the Parliament, to an investigation which, though it would not affect his return, might affect his character and conduct three or four years before, and therefore he thought, that due security ought to be taken, that whilst the door was not shut against investigation, still that hon. Members returned to serve in Parliament should not be liable to vexatious proceedings against them. At present the amount of recognisance was one person in the sum of 1,000*l.*, or two persons in 500*l.* each, and it must be remembered that the committee had now to deal with the case of a mere speculative attorney, who, to affect the character of a Member, might easily get up recognizances to the amount of 100*l.* or 200*l.*, especially if he had reason to believe that the inquiry into the charges alleged might eventually be taken at the public expense. Again, care ought to be taken lest the best men in the country might be deterred from coming forward for a seat in Parliament on account of keeping over their heads a vague and indefinite inquiry. He therefore recommended that the amount of the recognizances should be increased in this bill to half of the amount at present required, as proposed by his hon. and learned Friend the Attorney-general.

Mr. *C. Buller* expressed his entire concurrence in all that had been said by the right hon. Baronet opposite, and should make no objection to the alteration proposed in the clause.

Amendment agreed to; clause ordered to stand part of the bill.

On clause 14, which provided, if extensive bribery be reported by an election committee, the House of Commons should address the Crown to issue a commission of inquiry, being put,

Mr. *O'Connell* said, this was the proper time to take the opinion of the committee upon the constitution of the commission to be appointed. He objected to the proposal that three of the commissioners should be Members of the other House of Parliament.

Mr. *Hawes* was favourable to a commission, but not to one constituted as that in the bill.

Mr. *O'Connell* said, that all that he desired was, that the opinion of the House might be taken on the kind of commission described in the bill, which he regarded as quite unconstitutional.

Mr. *Escott* had always understood that the House of Commons was quite competent to conduct an inquiry of this sort, without an address to the Crown for the appointment of a commission. Persons of so great weight on both sides of the House had discussed and determined upon this part of the bill, that he felt a hesitation in stating his opinion on the subject; but he must say, that he had not heard one word in favour of this commission. At this period of the Session, the fact was, it was impossible to discuss as it ought to be discussed so important a question as this. Hence, if he heard no satisfactory reasons why he should support the clause, his vote should be given to the right hon. and learned Member for Cork, for he considered this commission quite unconstitutional.

Mr. *Aglionby*, having attended the committee upstairs, which sat on this bill, and as the commission had been objected to by many Members, and himself among the rest, thought it right to state the grounds on which it had been introduced into the measure. It was singular that not a Member of the committee was in the House but himself, and he was thus left to state—which he wished to be understood as doing without adopting—the arguments that had been urged in favour of a mixed commission. It had been said, then, that if you found it necessary to disfranchise a borough, city, or county, you could not do so except by a bill to which you must procure the sanction of the House of Lords; the course of proceeding being, that after a full inquiry before a committee of the House of Commons, the bill, having passed the House, was sent up to the Lords, where a committee was again appointed, who again went through all the evidence and examined all the witnesses. Then their Lordships discussed the bill in their House, and having agreed to it, sent it down to this. Now, it was said the effect of the clause constituting this commission would be, that all these proceedings, by way of inquiry and examination, would be done once for all, and that if a committee of the other House sat jointly with a committee of this, the other House would have no objection to agree to the bill on the evidence so taken. He confessed he was considerably struck with the force of the argument that a great loss of time and a vast expense arising out of the attendance of witnesses would be entirely saved by the contemplated plan, and that it by no means gave the Lords the power of interfering to recommend disfranchisement, as the initiative in that respect would still remain and reside in the House of Commons. In fact, he felt that there was so much weight in the argument, that he should not have interfered to oppose the appointment of this commission, as far as regarded the question of disfranchisement. He thought the appointment of a commission for the purpose of disfranchisement might be good; but he could not agree to their having the power to recommend a suspension of the writ for a twelvemonth, as was given by a subsequent clause of the bill. He was loth to extend the power of the House of Lords in the latter respect. That recommendation ought not to come from any mixed commission.

Mr. *Mackinnon* said, that the upshot of the arguments stated by the hon. and learned Gentleman (Mr. Aglionby) was, that the House of Commons were to give up their privileges for the purpose of saving the House of Lords the trouble of examining witnesses in support of a disfranchisement bill, because they would take for granted that the examination and inquiry would be properly conducted by this mixed commission. He begged to ask the hon. and learned Member, would he give up the right of the House of Commons to be judge of its own privileges, merely to save the time of the House of Lords? [Mr. *Aglionby*: Certaimly not.] He did not agree in the propriety of hurrying such inquiries. He said, that if matters came to a question of disfranchisement, the more time they took, and the more maturely considered and sifted such a subject, by going fully into the evidence, the better. Therefore, for the very reason that this commisssion would have the effect of bringing the inquiry to a quick determination, was he opposed to it. He wished that the Lords should be left to their separate inquiry, and he should oppose the clause.

Mr. *Roebuck* begged to state some objections which he had to passing this bill at the present time. The whole matter of election law would come into inquiry next Session; but apart from the matter of election law stood the administration of that law—the form and substance of that which should put that law in execution. There were two separate questions into which the subject resolved itself:—one was the question whether the right to the seat belonged to one party or the other; the second was, whether certain transactions, as, for instance, bribery under this bill, had taken place in the borough, city or county which sent the Members. Now this mode of dealing with the latter question appeared to him to be operose in the extreme; because, if they got what he would call a perfect system of judicature for the investigation of the first inquiry, that would be a perfectly sufficient machinery, in his opinion, to conduct the second. He thought the method pointed out by the bill an operose proceeding. They were about next year to consider if they could find a good election judicature; but in this bill they were called upon to determine on a separate system of judicature for the investigation of bribery under the bill; so that, having determined by one system of investigation, to be settled hereafter, as to who should be the sitting Member, they would next have to put in motion the large machinery given by this bill before they could get at the question of bribery. For such an object, he asked the House and the country, whether it were wise to establish this remarkable system? Suppose that next Session the House was to find that it would be proper (as he thought that they would) to delegate their powers to certain parties who should be qualified to discharge the functions committed to them, and who should be beyond the reach of party spirit and party feeling, would it not be much wiser to trust to the judge or the tribunal so constituted the duty of inquiringi nto the second matter of inquiry? Was it not much better to determine beforehand on a permanent judicature, which would not have the character of a party polemical tribunal, as would be the case if this bill became law, than to leave it to the Crown, that was the Minister, to determine upon the parties who should constitute the tribunal in each case? Such a tribunal could not be beyond—it could be above—party spirit. He, therefore, entreated the House not to agree to pass this bill in this form at present. Why should they hurry—why should they run to a conclusion? What injury could arise from delaying till next Session? Not more than two or three elections in all probability could occur in the interval. If they delayed, her Majesty's Government would have time to give its mind to the question. Between this and next year the Government would be able to devise some means how to attain a judicature which should be impassive and not liable to political influence. He believed, that the House of Commons was quite unfit for this sort of inquiry, and he did not think that their incompetency would be corrected by taking to their aid a portion of the House of Lords. The Lords had political feelings as well as Members of the House of Commons. The House of Commons was or ought to be the people's House, but it could not be so, at least as to its constitution, if the decision in its constitution was to be taken by means of the intervention of the House of Lords. He entreated the House, therefore, to delay this measure for the two or three months of the recess. He thought that if they could find a tribunal composed of persons qualified for the due discharge of these functions to which to delegate their powers, it would settle and render stable the election law of Parliament, by an uniform course of decisions; it would be attended and watched by a competent bar; it would not be induced to swerve from its course by party considerations or for party purposes; it would be impassive; it would be judicial; it would be legal. The tribunal described in this bill never could be any of the three.

Sir *R. H. Inglis* said, it was his good fortune to concur with the hon. and learned Member (Mr. Roebuck) in every word that he had uttered, and the more so as part of what the hon and learned Member had suggested he had on a former occasion taken the liberty of impressing on the House—he meant the proposition of a tribunal with separate functions. If, however, the clause was to be part of the machinery of the bill, he should greatly prefer that it should be made imperative that the commission should be directed to three of the judges of the superior courts of Westminster in the first instance, so that some of those venerable persons should always form a part of the judicature to be established. It was true that the House had partially surrendered its jurisdiction over these matters by passing the Grenville Act, but it did not follow that they ought to go further, and agree to the gratuitous surrender of privileges, which the bill now under discussion proposed. He concurred in the wish of the hon. and learned Gentleman the Member for Bath, that the subject should be postponed till next Session; but, should that wish not be acceded to by the House, he would then feel it his duty, on their coming to the next clause, to move, as he had done in the committee above stairs, that the commission should include three judges of the superior courts of law (or any other number that might be thought fit) together with the members of the commission specified in the clause.

Sir *R. Peel* thought it was rather unfortunate that they should be discussing what was, in fact, a new subject-matter in the absence of the noble Lord who had introduced the bill, of the late Solicitor-general, and of the chairman of the committee upstairs. With regard to the subject before the House, he still retained his opinion, that if the clauses already agreed to were passed into law, a great improvement would be effected, and he denied that the appointment of the commission, as proposed by the bill, would involve any surrender of the privileges of that House. The object for which the commission was to be appointed appeared to have been mistaken. If it were proposed to give to that commission the right to interfere in the peculiar jurisdiction of the House of Commons—to give to it the right of suspending a writ or of determining the tenure of a seat in that House—then he should be prepared to object to such an infringement of the privileges of the House as strongly as any man; but the jurisdiction proposed to be given to the commission did not relate to the special privileges of the House of Commons at all, it related to a matter purely of legislation—one in which that House was not able to proceed a single step without the concurrence of the House of Lords. The House of Commons had the right to determine whether a particular writ should issue, or whether a particular seat should be held or vacated by any individual; but as to pronouncing on the disfranchisement of a borough, it had no more right to do so than it had to pass an act of Parliament proposing a new tax without the consent of the Lords. In calling on the House of Lords, therefore, to assist that House, not in determining whether a borough should be disfranchised, but to institute a preliminary inquiry, for the purpose of simplifying the proceedings which were necessary before pronouncing upon the disfranchisement or non-disfranchisement of a borough, they were not, he apprehended, in any way surrendering the rights of the House of Commons. The question was solely which was the best mode of conducting the inquiry that was necessary before a borough could be disfranchised; and if it were proposed to give to the report of the commission an absolute power of disfranchisement he would be the first to object to it. The sole object of the appointment of the commission was, that they should collect such a body of evidence as might induce the House of Commons, without any further inquiry, to consider whether they would or would not disfranchise a particular borough; and some such proceeding was rendered necessary by the complicated nature of the proceedings of both Houses with regard to cases of disfranchisement. An inquiry of that kind in the House of Commons generally lasted through the greater part of a Session, so that the bill did not get up to the Lords till June. The Lords then were accustomed to disregard the evidence taken before the committee of the House of Commons, as not having been taken on oath, and declined to proceed with the bill unless they themselves heard evidence also. This drove the bill on to the next Session, and when that time came, the heat of party excitement having, in the mean time, passed away, it was found that evidence so much less strong was given before the Lords than had been given before the Commons, that the Lords determined that there existed no grounds for the disfranchisement. It was to put an end to so complicated and unsatisfactory a system that the present proposition was made, and he certainly thought that it would be better to intrust the preliminary inquiry to be entered upon by a commission composed of Members of both Houses jointly, than to leave it, as now, to a majority of the House of Commons. With regard to the suggestion of his hon. Friend the Member for the University of Oxford, that the judges should be included in the commission, he must say, that unless the report of the judges were to be considered as final he did not see what would be the use of such an arrangement. Suppose the judges found that out of a constituency of 500 100 had been bribed, and that therefore the borough ought in their opinion to be disfranchised, was it not very likely that the House of Commons, in such a case, would desire to institute a new inquiry? The House of Commons might say, that in a matter involving a legislative proceeding they were not satisfied with the report of the judges. With regard to the power of appointing the commission, although if the question came to a division he certainly should be in favour of giving the power of appointment to the Crown, yet he thought it much better that they should take the division, if they divided, upon the abstract question of whether there should be such a commission or not, and to leave out, for the present, the question whether or not it should be appointed by the Crown.

Mr. *Bernal* put it to his hon. and learned Friend whether he would proceed with the other clauses at this advanced period of the Session, when he could not entertain any reasonable hope of their being carried. He entirely agreed with the right hon. Baronet opposite, that the appointment of this mixed commission would produce great advantage, but the right hon. Baronet had also thrown out that the House would not be bound by its report. Now, if that were the case, of what possible use, for the purpose of facilitation or acceleration, would be the appointment of such a commission—of a tribunal so singular and novel? On the contrary, if the object was to get rid of a troublesome and complicated inquiry, he thought there ought to be some provision binding that and the other House of Parliament to be guided by the report of the commission. But, as the whole subject involved a serious constitutional question, he did hope his hon. and learned Friend would postpone the rest of the bill until next Session. At the same time he hoped that next Session the right hon. Baronet would himself be prepared with some large and efficient measure to meet the difficulties to which the present bill was addressed; and also those difficulties connected with treating, and those other enormities of which they had lately heard so much, by which the constituencies of this country were now so corrupted and disgraced.

Mr. *T. Duncombe* hoped his hon. and learned Friend would not hastily consent to defer this clause. At the same time he must admit, that they were discussing the bill under great disadvantages, for of all those on his side of the House who were on the committee (including the noble Lord the Member for London, and the right hon. Baronet the Member for Devonport), the only Members now present were the hon. Member for Cockermouth and himself. The whole onus of the bill, indeed, seemed to rest upon the right hon. Baronet opposite, and he was really fighting the battle so well that he would suggest to his hon. and learned Friend to throw it over to him altogether. He did not think that the privileges of that House were at all affected by this clause, which was for the purpose of doing away with the necessity of that second investigation which the House of Lords were accustomed to go into before they would agree to a disfranchisement bill.

Mr. *Escott* inquired what was the use of the appointment of such a commission as this when the House of Lords or the House of Commons would never sit judicially upon their report, but must have the witnesses before them? The commission could not legally disfranchise a borough; then of what use was it? It must be ineffective altogether. While it was unconstitutional in its character, it could do no good whatever.

Sir *R. Peel* said, if the hon. Member maintained that that House could not disfranchise without hearing evidence at the Bar, how was it that he had been a party to the Sudbury Disfranchisement Bill, where there had been no evidence at the Bar?

Mr. *P. Howard* was of opinion that a measure of such importance ought not to be persisted in at a time when not above a fifth of the Members were in town. If the clauses were pressed he should be obliged to vote against them.

Mr. *C. Buller* supposed he must say something, though really he had very little to say; for whilst he felt a great interest in the general principle of this bill, this was a part of it to which he must confess that he had not given much consideration. His own wish on the present occasion was to defer himself to the general opinion of the House, and throughout this conversation he had been anxiously listening for opinions, with a view to form a judgment of how far the bill would be prejudiced by either omitting or retaining the particular part of it they were now considering. Certainly he should prefer to have a distinct expression of the opinion of the House before he consented to withdraw these clauses; but, at the same time, if they would in any way prejudice the fate of the measure, he should be sorry to persist. If the opinion of the House were taken, and proved to be against them, the clauses would of course be expunged; but even if there was only a small majority in their favour, he did not think the friends of the bill would wish him to press them forward.

Mr. *V. Smith* would vote for the commission, but would not support the clauses under which it was proposed to be constituted. He thought that part of the proposition whimsical and strange.

Sir *R. Peel* agreed that the selection of three Peers and four Commoners appeared to have been somewhat whimsically made. With respect to what had fallen from the hon. Member for Liskeard, he certainly thought that there seemed to be so much difference of opinion on these clauses that to persist in them might be to endanger the passing of the bill, whilst it would probably be secure of passing if they addressed themselves to the first thirteen clauses only. Although, therefore, he should certainly support the clauses if they went to a division, he thought that on the whole it might be well to withdraw them.

Mr. *C. Buller* thanked the right hon. Baronet for the advice he had given, without which he should perhaps scarcely have had courage enough to have taken on himself the responsibility of withdrawing these clauses. On the whole, he was disposed to concur in the soundness of the advice, and putting aside altogether the consideration of their principle, it certainly seemed to him that he should do well to act on it. He would, therefore, ask leave to withdraw the clauses from 14 to 25 inclusive.

Clauses negatived.

On the question that clause 26 (parties to be examined though answers may tend to criminate themselves) the references to the commission were struck out, stand part of the bill,

The *Attorney-General* suggested that as this clause affected the existing law of evidence it would be advisable to postpone its consideration until the hon. Member for Worcester could be present.

Mr. *C. Buller* had no reason whatever to believe that the hon. and learned Gentleman the Member for Worcester had any doubts or misgivings as to the subject of the clause. In his opinion this ought not to be looked upon as a question merely affecting two parties who were contesting their right to seats in that House; the paramount interest of the public was, that the seats should be filled by those who had been properly elected by the people. He felt satisfied they would do little to facilitate investigations into acts of bribery if they allowed themselves to be thwarted by the refusal to give evidence by those who could mainly supply it, screening themselves under the pretence that they were interested. The unduly elected Member, his agent, and the corrupt voter, were all interested parties, and if the committee were deprived of their evidence, how was it possible to come to a proper decision of such questions? In conducting such public inquiries they must not regard the comparatively unimportant interests of individuals, nor even the practice at common law, which was never meant to protect such cases as these. He really considered this the most valuable clause in the bill, and he certainly could not consent to its abandonment.

Mr. *Darby* regretted the absence of the noble Lord, the Member for the City of London (Lord J. Russell), the hon. Member for Halifax (Mr. C. Wood), and the hon. and learned Member for Worcester (Sir T. Wilde), who were all Members of the committee, because now that they had struck out the clauses appointing the commission, it was proposed that parties should be compelled to give evidence criminatory of themselves, without being allowed to appear by their agents, before the re-assembled committee—a privilege to which they would have been entitled under the commission. A most serious question was involved in this clause—namely, that they should get rid of all the principles of evidence upon which every court in this country had hitherto acted, and without any sufficient reason, for none could be found to compel parties to give evidence criminating themselves, without allowing them to appear before the committee by their agents. He certainly would divide the committee against this clause; and if he were defeated in his opposition to it, he should then move that the twenty-third clause, allowing parties to appear by their agents, should be restored. If it was just to give parties the means of defence before the commission, why not before the committee, on whose report the question of disfranchisement would be brought before the House?

The *Attorney-General* was decidedly opposed to the clause, which broke in on the general rules of evidence in the administration of justice in every court in the kingdom. Beyond all doubt it called upon every person compulsorily to give evidence tending to criminate himself, while it held out to him a prospective indemnity. He begged distinctly to state, that he had a most serious objection to a prospective indemnity. If the House found itself entangled in an inquiry it was compelled to institute with regard to acts already committed, he could understand why an indemnity should be held out to witnesses; but he could not be a party to the encouragement of prospective crime in order that it might afterwards be divulged. Irrespective of that objection, he never could sanction the principle of the present clause, which broke in on some of the great maxims of our law of evidence. It clearly, beyond all doubt, made persons liable by compulsion of being sent to prison if they refused to answer questions tending to criminate themselves; and he believed it also infringed upon the secrecy and confidence of professional men. Why should a different rule be applied in the investigation of these cases as contrasted with trials for treason or murder? It had been said in the course of the evening, that no tenderness should be shown to those who were guilty of bribery, and that in these investigations the public had a higher interest in screwing out reluctant testimony than in the protection of the witness who gave his evidence. He denied that. The reason why they did not compel persons to answer questions tending to criminate themselves was not merely because they would not be guilty of tyranny in compelling them to do so, but because the source from which their testimony came was such as they could not rely on for judicial purposes. There were some rules of evidence which he admitted it would be quite right and proper to get rid of, but this was one which he was decidedly of opinion ought not to be dispensed with. He was aware that there were many persons of modern times, and amongst them the eminent philosopher Bentham, who were of opinion that you should ask any personal question, no matter whether he had an interest in the matter or not; nay, more, that you ought to listen to the hearsay evidence of private life. His experience, he confessed, did not go along with that doctrine. The object of all our rules of evidence was to get upon the whole that species of testimony upon which you could safely rely, and to exclude that upon which you could not safely rely, as not being from a legitimate source, and therefore insufficient to furnish grounds upon which you could confidently come to a decision. He doubted whether his hon. and learned Friend, the Member for Liskeard, was correct in representing, as he understood him to do, that his hon. and learned Friend, the Member for Worcester, approved of this clause as it now stood.

He knew that his hon. and learned Friend the Member for Worcester entertained a strong opinion against breaking in upon the rules of evidence in other cases, and the bill that had been brought in by the Lord Chief Justice in the other House, and which had been confided to him (the Attorney-general) in that House, was being held over in order that his hon. and learned Friend might have an opportunity of opposing it, because, as he conceived, it overlooked that great security which the law required for those who were called upon to elucidate the truth. He opposed the clause because it appeared to him to suggest a course inconsistent with justice, and founded on the tyrant's plea, which would introduce a new rule for a special purpose, which would break in upon the laws of evidence for the purpose of carrying out some specific object.

Mr. *O'Connell* did not think the laws of evidence so very perfect as the hon. and learned Attorney-general seemed to represent. If a man were worth 1,000,000*l.*, and happened to have an interest in the case to the value of 1*s.* however honourable and trustworthy he might be, he was absolutely excluded from giving evidence. That was not consistent with common sense; neither did the law recognize the question of whether it were probable that men not excused by some legal or technical reason would tell the truth. This clause gave power to compel all persons to be examined before the committee, and was on that account opposed by the hon. and learned Attorney-general, and yet that hon. and learned Gentleman allowed a precisely similar clause to pass the House during last Session. The bill of the noble Lord the Member for London, which opened this question of bribery, contained at present only one clause, which clause compelled the committee to go into evidence of bribery without proof of agency; but as it passed that House it contained another clause, similar in principle to the one under consideration, and which, but for the opposition of a noble Lord in the other House, would now be the law of the land. The Attorney-general said, that the great question was, whether they should encourage or discourage crime, at the same time expressing it as his opinion that they would encourage crime by compelling the discovery of it. He conceived that men would be much less likely to commit the crime of bribery when they knew that by the process proposed the discovery of it could be compelled — when they knew that every person concerned in it could be called upon to give evidence, and could be indemnified on doing so. On the other hand, what greater protection could be given to bribery than the absence of any power to compel those who alone, perhaps, were cognizant of it to give evidence? The way to prevent crime was to allow the disclosure of it; the way to excite to crime was to prevent its disclosure. The Crown was enabled to get at the truth in cases of high treason by granting a pardon—why not act upon the same principle in this case? He must observe, however, that to "crimiuate" oneself did not necessarily involve any moral turpitude; it only rendered the party liable to a legal punishment. The indemnity in this case following the evidence put an end to the rule. It was no longer a rule of evidence, and therefore no rule of evidence was violated in compelling a witness to criminate himself, he being indemnified. Similar clauses had been introduced into various bills, and without such a clause this bill would, in his opinion, be wholly worthless.

Mr. *Parker* supported the clause, as he considered that all the proceedings of the committee would be quite nugatory without it. If professional men, for instance, who were generally those who either bribed or regulated how and by whom the bribery was to be effected, could not be examined, he did not think that the committee could ever arrive at a satisfactory conclusion.

Mr. *Roebuck* said, that though this question, of a man criminating himself, as appeared to be contained in the present clause, had for a long time been a vexed question, still, from his own experience, he did not consider it safe or expedient to subject persons to any form of mental torture, and he had been opposed to such a principle; but, taking the clause in connexion with that which followed it, it would be seen that the party compelled to give evidence would not be liable to any punishment to which such evidence would, under other circumstances, subject him. If the party under examination told the truth, he would have the benefit of having done so without any damage to himself; and when the indemnity clause passed, there would be no hardship in compelling evidence, as the witness could no longer be said to criminate himself in giving his evidence. There was one peculiarity in the law as it at present existed, namely, that a professional man could claim immunity, whilst a mere agent was exempt from the privilege which an agent, if an attorney could claim. This was an anomaly which was opposed by Lord Tenterden, and to which he also objected.

Mr. *Darby* was of opinion, that the House should not depart from those rules of evidence by which the ordinary tribunals of the country were guided.

Viscount *Palmerston* supported the clause. If there were but two parties to an alleged case of bribery, it might be presumed that they would run the risk, in consequence of no punishment being attached; but where a great number of persons were engaged in an act of bribery, it could not be supposed that if one gave evidence the whole could escape with impunity. The clause, then, viewing it in this light, could not be said to hold out encouragement to bribery. As to the objection made to the source from which the information was derived, it was analogous to our whole system of evidence, which frequently availed itself of the testimony of an accomplice; and if that were so in other cases, why should it not be so in this? As the object of the bill was not to effect the punishment of individuals, but to promote the public interest, it was not inconsistent with the object in view, nor with analogy, to take evidence from a source which in some degree might be supposed to be polluted.

The *Solicitor-General* conceived, that as a new principle of evidence was about to be introduced by the clause, it required the serious consideration of the House. With respect to what his hon. and learned Friend the Member for Bath had said of the efficacy of the ballot for the prevention of bribery, he could not but think that his hon. Friend, if he had seen the working of the ballot in other countries, would have acknowledged that it was not well calculated to aid in the attainment of truth. He believed that our own system was far better; and now what was the House asked to do? All admitted that bribery was a great crime, but certainly it was not greater than many others known to the criminal law of this country. It was proposed to compel persons to answer any questions which might tend to criminate themselves of bribery, and at the same time to give a prospective indemnity. That was a proceeding entirely new in this country, and he asked the House to consider its effect. The right hon. and learned Member for Cork observed that in cases of high treason the Crown could always procure the evidence of any witness by granting him a pardon; but he must be well aware that the prerogative of the Crown did not extend to pardon future offences. No such power was known to the Crown, although it had the power to pardon offences when committed; but this clause would, in fact, grant a prospective pardon. It said that a man might go down to any borough, and bribe as much as he pleased; but, if examined before the committee, that he should be indemnified from the consequences of the crime. If such a principle were introduced in respect of this crime, he did not see why, acting on this precedent, it might not be introduced into the case of other crimes, and why any other offender might not be told that if he gave evidence against his accomplices he would be indemnified from the penalty attached to his offence. He was not at all sure that such a provision as that contained in the clause would not have the effect of encouraging the very crime sought to be put down. Such encouragement might be held out if parties knew that they would be freed from all the penal consequences attaching to bribery by merely presenting a petition, and coming forward to make a disclosure of the circumstances before a committee. There was nothing in the law analogous to such a principle as this, by which it would be established that any man might go and bribe to any extent and afterwards be entirely indemnified by giving information. He thought it would be much better that they should entirely repeal all laws against bribery, and deal with it, when it was committed, as an offence cognizable by the House of Commons alone; but if they treated it as a crime, rendering the party liable to indictment, then it would be entirely contrary to what justice required to tell a party beforehand that he might commit the crime, and yet escape all its consequences. He thought the mischief flowing from this principle would outweigh any advantages it might have. Another objection was that the clause would compel the revelation of confidential communications to attornies. On these grounds he must object to the principle of this clause. He believed that the bill passed last Session, which had shown that it was impossible to commit bribery without having the case investigated by a committee of the House of Commons, would go further than anything else to put a stop to the practice. In every case in which a petition had been presented during the present Session, and proceeded with, it had been successful in unseating the person against whom it was directed.

Mr. *Aglionby* said, it was an entire mistake to suppose that this clause at all affected or made any regulations on the subject of confidential communications to attornies. He did not think it could, by any construction, in the slightest degree touch what were called professional privileges. It was solely applicable to the cases of parties refusing to answer on the ground that the question might criminate themselves, and would never force an attorney to give an answer which would involve a breach of confidential communications with his client. He regretted that it did not go so far as the Sollicitor-general supposed, and wished that it did enable questions to be put to professional agents regarding transactions into which inquiry was being made; but he was aware that the time for that proposition was past. He hoped the committee would adopt the clause.

Mr. *Hardy* said, if this clause was not allowed to pass they might as well throw the bill overboard. If the law remained as it was at present, a candidate had only to have two agents, one for all legal purposes of the election, the other for illegal; and it would be impossible to bring the proof of bribery home, for the agent would have nothing to do but merely, when the question was asked if he were the agent, to reply that it would criminate himself to answer. In bribery there were none of those collateral circumstances which in other cases indicated guilt, but it was of a nature to which necessarily only two persons were privy—the payer and the payee; so that unless these parties could be examined, the inquiry would be futile. With regard to indemnity, it was only to be given where it appeared to the committee or commission that the party had made a full and faithful disclosure. The truth could easily be discovered in this, as in other cases, by separate examinations of the parties. The rules of evidence had already been relaxed to a great extent in several cases, as in that of interested parties, where the exclusion of testimony had formerly been founded on the notion of a temptation to perjury. His firm belief was, that unless this clause stood, the measure would be useless.

Mr. *Sheil* thought the whole difficulty might be got over by simply providing that no answers given before the committee or commission should be given in evidence against any parties examined. Surely that would meet every difficulty? ["No, no."] Why, where was the objection? Was not the sole reason of protecting parties from self-crimination the danger of prosecution? And if that danger were effectually removed, where could be the injury in extorting the disclosure of everything? How would the party be damnified, directly or indirectly? Undoubtedly it might happen that other inquiries might arise out of the evidence thus elicited; but what objection was there to that, seeing that it really was the practice in the case of answers to bills filed in Chancery against trustees, for instance? The clause had been agreed to by the House last Session, and was essential to the efficiency of the bill.

The committee divided on the question, that the clause stand part of the bill:—Ayes 39; Noes 80: Majority 41.

List of the AYES.

Aglionby, H. A.
Aldam, W.
Bowring, Dr.
Brotherton, J.
Callaghan, D.
Cobden, R.
Colebrooke, Sir T. E.
Crawford, W. S.
Duncan, G.
Duncombe, T.
Dundas, Adm.
Ebrington, Visct.
Gibson, T. M.
Hawes, B.
Hindley, C.
Hollond, R.
Hume, J.
Hutt, W.
Mitchell, T. A.
Morris, D.
Napier, Sir C.
O'Connell, D.
O' Conner Don
Palmerston, Visct.
Parker, J.
Pechell Capt.
Plumridge, Capt.
Protheroe, E.
Pulsford, R.
Roebuck, J. A.
Sheil, rt. hon. R. L.
Thornely, T.
Tufnell, H.
Turner, E.
Vane, Lord H.
Wawn, J. T.
Williams, W.
Wood, B.
Wood, G. W.

TELLERS.

Buller, C.
Hardy, J.

List of the NOES.

Allix, J. P.
Antrobus, E.
Ashley, Lord
Astell, W.
Baird, W.
Baring, hon. W. B.
Baring, H. B.
Bateson, R.
Blackburne, J. I.
Blackstone, W. S.
Boldero, H. G.
Bramston, T. W.

Broadley, H.
Bruce, Lord E.
Buller, Sir J. Y.
Campbell, A.
Clerk, Sir G.
Cockburn, rt. hn. Sir G.
Colquhoun, J. C.
Corry, rt. hon. H.
Cripps, W.
Damer, hon. Col.
Douglas, Sir C. E.
Duncombe, hon. A.
Eaton, R. J.
Eliot, Lord
Escott, B.
Flower, Sir J.
Follett, Sir W. W.
Forbes, W.
Freemantle, Sir T.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gore, W. R. O.
Goulburn, rt. hn. H.
Graham, rt. hon. Sir J.
Grogan, E.
Hamilton, W. J.
Hardinge, rt. hn. Sir H.
Hawkes, T.
Herbert, hon. S.
Hodgson, R.
Hornby, J.
Howard, P. H.
Hussey, T.
Inglis, Sir R. H.
Jermyn, Earl
Jones, Capt.
Lascelles, hon. W. S.
Leicester, Earl of
Lincoln, Earl of
Litton, E.
Lowther, J. H.
Masterman, J.
Meynell, Capt.
Morgan, O.
Mundy, E. M.
Neville, R.
Newry, Visct.
Nicholl, rt. hon. J.
Packe, C. W.
Peel, rt. hon. Sir R.
Polhill, F.
Pollock, Sir F.
Praed, W. T.
Pringle, A.
Rushbrooke, Col.
Sandon, Visct.
Scarlett, hon. R. C.
Sibthorp, Col.
Somerset, Lord G.
Stanley, Lord
Stuart, H.
Sutton, hon. H. M.
Taylor, J. A.
Trench, Sir F. W.
Vivian, J. E.
Wortley, hon. J. S.
Young, J.

TELLERS.
Darby, G.
Henley, J.

On the 27th clause being put,

The *Solicitor General* said, as the 26th clause had been rejected, the 27th clause, granting indemnity to witnesses would be withdrawn as a matter of course.

Mr. *Aglionby* said, that though the committee had rejected the clause obliging persons to criminate themselves he saw no reason why they should not allow persons to criminate themselves if they thought fit, and in that case the present clause ought to be retained.

Sir *R. Peel* said, that the vote he had given on the 26th clause was in accordance with the intimation he had made to the noble Lord the Member for the city of London. He had acquainted the noble Lord that he had great doubts as to the policy of compelling parties to criminate themselves, and as to the policy of giving a prospective indemnity to witnesses. Any one who had read an article in a late quarterly publication would derive great information from it with respect to the difference of the law in France and in England as to the obligation of parties to criminate themselves. Though truth might occasionally be elicited by the practice in the former country, yet it was at the expense of great principles, and when parties were compelled to criminate themselves it became a question whether a great temptation was not held out to perjury. The article he alluded to related to the case of Madame Laffarge. He did not know what was ths impression of the committee in rejecting the 26th clause, but it was his impression that he was deciding on both clauses, the 26th and 27th. If the hon. Member thought otherwise, it was undoubtedly competent to him to take the sense of the House on the 27th clause. By this clause a witness, if he told the truth had an absolute right to receive an indemnity from the committee, though that witness might have been summoned not by the committee but by another party. This appeared to him a dangerous provision, and he saw no reason why it should be retained after the rejection of the 26th clause. He had told the noble Lord that he could not support him upon these two clauses, and he did not think their omission would diminish the advantage of the bill.

Mr. *C. Buller:* After what had fallen from the right hon. Baronet, could not press the 27th clause, which he considered as subsidiary to the 26th. He thought the omission of those clauses prevented the means of getting at bribery, but he hoped the vauluable clauses which had already been carried, would have a great effect in checking that corrupt practice. He further promised that this would not be the last discussion of the matter; for, if the present bill were not found efficient, another Session would not pass over without a further measure being introduced. He, therefore, proposed to withdraw the 27th clause.

Mr. *S. Crawford* could not consent to withdraw this clause, as its omission would upset the importance of the bill. He should divide the committee for the purpose of recording his own opinion, as without this clause he considered the bill would be delusive.

The committee divided on the question that the clause stand part of the bill:—Ayes 28; Noes 70; Majority 42.

[The principle involved in this division being the same as in the preceding one, we do not repeat the names.]

Remainder of the bill gone through.

House resumed.

Bill reported. Report to be further considered.

CORONERS FOR LANCASHIRE AND WARWICKSHIRE.] Order of the Day read for going into the adjourned debate on the second reading of the Coroners', &c. (Warwick and Lancaster) Bill. On the question that the bill be now read a second time being put,

Dr. *Bowring* moved the adjournment of the debate.

Mr. *Brotherton* seconded the motion.

The House divided on the question that the debate be adjourned:—Ayes 19; Noes 51; Majority 32.

List of the AYES.

Crawford, W. S.
Duncan, G.
Duncombe, T.
Ebrington, Visct.
Gibson, T. M.
Howard, P. H.
Hutt, W.
Morris, D.
Palmerston, Visct.
Parker, J.
Pechell, Capt.
Philips, M.
Scott, R.
Thornely, T.
Tuffnell, H.
Turner, E.
Wawn, J. T.
Wood, B.
Wood, G. W.

TELLERS.

Brotherton, Mr.
Bowring, Dr.

List of the NOES.

Aglionby, H. A.
Allix, J. P.
Baird, W,
Baring, hon. W. B.
Baring, H. B.
Bateson, R.
Blackburne, J. I.
Boldero, H. G.
Bruce, Lord E.
Clerk, Sir G.
Cripps, W.
Damer, hon. Col.
Darby, G.
Duncombe, hon. A.
Eliot, Lord
Fremantle, Sir T.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt.hn.W.E.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Granby, Marq. of
Greene, T.
Hamilton, W. J.
Hardinge, rt.hn.SirH.
Henley, J. W.
Herbert, hon. S.
Hussey, T.
Jermyn, Earl
Jones, Capt.
Leicester, Earl of
Lincoln, Earl of
Litton, E.
Lowther, J. H.
Meynell, Capt.
Morgan, O.
Mundy, E. M.
Nicholl, rt. hon. J.
O'Conor, Don
Packe, C. W.
Peel, rt. hon. Sir R.
Pringle, A.
Rushbrooke, Col.
Sandon, Visct.
Sibthorp, Col.
Stanley, Lord
Stuart, H.
Sutton, hon. H. M.
Taylor, J. A.
Wortley, hon. J. S.
Young, J.

TELLERS.

Douglas, Sir C.
Forbes, W.

Bill read asecond time.

Adjourned.

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HOUSE OF LORDS,

Thursday, July 28, 1842.

MINUTES.] BILLS. *Public.*—1ª· Court of Exchequer (England); Assessed Taxes; Parish Constables; Bonded Corn (No. 2); Colonial Passengers; Stamp Duties Assimilation.

2ª· Limitation of Actions Extension (Ireland); Game Certificates (Ireland); Stamp Duties; Joint Stock Banking Companies; St. Briavel's Small Debts.

Committed.—Poor-law Amendment; Court of Chancery Offices Abolition; Election Petitions Trials; South Australia.

Reported.—Wide Streets (Dublin); Primrose Hill.

3ª· and passed:—Customs Acts Amendment; Drainage (Ireland); Ecclesiastical Jurisdiction; Licensed Lunatic Asylums; Exchequer Bills Preparation.

Private.—3ª· and passed:—Duke of Buckingham and Chandos' Estate; Lord Dinorben's Estate; Mersey Conservancy.

PETITIONS PRESENTED. From John Minter Morgan, for Inquiry into his mode of employing the Poor.

PREPARATION OF EXCHEQUER-BILLS.] The Duke of *Wellington* moved the third reading of the Preparation of Exchequer-bills Bill.

Lord *Brougham* begged to call the attention of his noble Friend the noble Duke, to what appeared to him to be an anomaly in this bill. The Controller of the Exchequer was appointed by the Crown, and could not be removed by the Treasury. That, he admitted, was as it should be. It was not right that an officer who had the control of the public expenditure to a great extent, should be under the authority of that board whose expenditure amongst others, he was to control; but this bill recognised an Assistant-Controller of the Exchequer, who was to do the duty, and was, in fact, the controller in the absence of his principal. Yet this officer was to be appointed, and to be removable at the will of the Treasury board—that was, of the body whose expenditure he was appointed to control. He was sure that such power would not be exercised by the Treasury, except for some act of misconduct; but still he thought it an anomaly that the Treasury should have the power of appointing and removing the officer who was to control its expenditure.

Bill read a third time and passed.

CUSTOMS' ACT AMENDMENT — THE TARIFF.] The Earl of *Ripon* moved the third reading of the Customs' Act Amendment Bill.

Lord *Monteagle* said, that it must be a matter of pride and satisfaction that this, which claimed the first rank amongst commercial nations, should, with the approval of each party in the State, adopt such changes in the tariff as favoured the extension of trade, the removal of prohibitions, and the diminution of duties. There were two articles on which, however, according to the principles of the tariff itself, and certainly in consonance with the interests of our manufacturers, the duty on the raw material should have been abolished—he meant cotton and wool. He should say a word on the article of corn. They knew that a considerable amount of foreign corn was now in bond, and it was calculated by noble Lords opposite that a considerable portion was likely to be released for home consumption. He should rejoice if that were the case; but he should rejoice at it still more if it came out through the natural operations of trade, and not when it was subjected to little or no duty. Any man who looked at the subject dispassionately must see that, whether the 1,200,000 quarters in bond paid duty or no duty, the result to the consumer must be the same; because the price would be regulated not by the amount or the absence of duty, but the amount of corn in the market as compared with the means of the people to purchase it. The difference in the amount of duty could have no effect on the price to the consumer, but would go into the pockets of the holders of the corn, whether foreigners or not. All their Lordships, particularly those connected with the agricultural interest, contemplated the admission of foreign corn when the price was high, as more endurable than when it was low. In the one case it tended to mitigate the evils of a scarcity, and in the other it was regarded as an unmixed evil. Now, what was the consequence of the present duty? Why, it produced just the opposite results to those which he had mentioned. If there should be an anticipation of a rise in price, not a single quarter would be introduced; but, if the state of things were such as to show the probability of a fall in price, whether from an abundant harvest or any other cause, the market would be glutted by the introduction of this foreign corn. So that the English producer must contend with two impediments to a high price—the state of the harvest at home, and the importation of corn from abroad. There could not be a more complete refutation of the principles on which the existing Corn-law was founded, though he must admit that his objections did not apply to the present Corn-bill, but to every measure founded on the principle of a sliding-scale. There were some questions which he should like to have answered by his noble Friend opposite, and by which he should conclude his remarks. He wished to know in what state our treaty with Portugal stood. It was well known from public information that a treaty was to be entered into. He thought such a treaty not only important in itself, but as it affected our relations with other countries. His second question related to the expiration of our treaty with Brasil. He knew not whether the two Governments agreed on the construction of the treaty with regard to that event, but he wished to be acquainted with the interpretation which our Government put on it. He next wished to know whether the Government had made any remonstrance in consequence of the steps taken by the King of Belgium, in accordance with the scale of prohibitory duties imposed on English linens by the French?

The Earl of *Ripon*: As to the mode in which foreign corn was taken out for consumption, the noble Baron would soon have an opportunity of ascertaining the point exactly; for the noble Earl behind him had moved for a return, which must show in what proportion, and under what circumstances, the corn, which had hitherto paid duty, had been brought into consumption. It was perfectly true that her Majesty's Government were in negotiation with Portugal, with the object of placing all the essential branches of our trade with that country on a satisfactory footing. He could only say, that if our Government was disposed to act in a spirit of perfect fairness, and as they were likely to be met in a reciprocal manner, he had great gratification in anticipating a satisfactory result. As to the question respecting the period of the termination of our treaty with Brazil, the present Government, as well as the late, thought it would not cease until November 1844, while the Brazilian Government contended that it would expire in November, 1842. Our commercial regulations with that Government were the subject of pending negociations, to which he could not further allude. As to the representations on the subject of the French ordonnance, our Government had made such as the circumstances of the case seemed to require. Though the King of Belgium seemed to act in accordance with the measures taken on the part of France, his measures were not decisive without the confirmation of the legislature.

Bill read a third time.

COUNSEL—MEMBERS OF PARLIAMENT.]

Lord *Campbell* said, that his noble and learned Friend (the Lord Chancellor), having resumed his seat on the Woolsack, he would now submit the motion of which he had given notice—

> "That no one be heard at the Bar of this House, as counsel for or against any bill depending in this House, who is a Member of the Commons House of Parliament."

He was fully aware of the great importance of the question which he was about to submit to their Lordships. He knew the importance of making any addition to, or alteration of the Standing Orders by which their proceedings were regulated, and that no such alteration or addition should be proposed, unless a strong case were made out for its necessity. When, however, such necessity could be established, their Lordships would not hesitate to interfere with the rules of their proceedings. From the votes of the House of Commons, of which their Lordships could take notice, it appeared that some short time back leave was given to an hon. and learned Gentleman, a Member of that House, to appear at their Lordships' Bar, in support of a bill which had been sent up from it for disfranchising the borough of Sudbury. It was not stated that that leave had been granted under peculiar circumstances; it was not stated that it was to be drawn into a precedent, but leave seemed to have been given as a matter of course; and unless their Lordships interfered, there was every reason to believe that the practice would become common; and that in all bills coming from the Commons' House of Parliament in support of, or against which, counsel might be heard at their Lordships' Bar, that a Member of that House would appear as counsel for or against such bills. It appeared to him that such a practice would be extremely inconvenient and injurious; and that it was one which should be strictly prohibited. He rejoiced that, with reference to the case of this nature which was now pending, no party feelings could influence their Lordships in coming to a decision. He had the pleasure of knowing the hon. Gentleman (Mr. Roebuck) to whom leave to plead at the Bar of this House had been given. He had had opportunities of knowing him in his professional character, and could bear testimony to his great utility, zeal, and learning; indeed, he knew no one who would perform his duty in a more upright and disinterested manner. But they were not then to regard individuals, but to look to the system. There could be no doubt of the power of their Lordships to regulate what class of persons should be heard as counsel at their Bar; this power belonged to all tribunals, high and low, and different courts, at different times, established rules upon the subject. The constitutional powers of their Lordships in this respect had been several times exercised. In the year 1685 a Standing Order was made, excluding the Attorney-general and the King's servants from practising at their Lordships' Bar in certain cases; this rule was modified in the year 1742, and afterwards, in 1797 and 1798, other changes were made. But if certain persons were at one time excluded from pleading at the Bar of their Lordships' House in certain kinds of judicial business, it was still more important that the rule should be strict in matters of legislation. The power of their Lordships upon the point being undoubted, it became a question of expediency whether it was for the dignity and honour of this House, and for the general good, that Members of the House of Commons should or should not be permitted to plead at their Lordships' Bar. With regard to judicial proceedings, he thought that no objections could be taken to granting such permission. In judicial matters this House was the supreme court of justice of the realm. With these proceedings, as such, the House of Commons had nothing to do; and there was no more objection to a Member of the Commons House of Parliament pleading at their Lordships' Bar, while sitting as a judicial body, than there was against such Member pleading in the Court of Chancery, or the Court of Queen's Bench, nor was there any greater objection to a Member of the Commons pleading at their Lordships' Bar at the trial of a Peer upon an indictment of their Lordships; but the case was otherwise when such trial was founded on an impeachment for high treason or misdemeanour brought by the House of Commons, in which case a Member of that House could not appear as counsel at their Lordships' Bar. In legislative proceedings, however, the rule should be very different from that which obtained in judicial business. As a legislative body, they were not administering laws, but making them in conjunction with the other House of Parliament—and there seemed to him to be something decidedly wrong in allowing a Member of the House of Commons to appear at their Lordships' Bar as the counsel for any particular party. As a Member of the House of Commons, his duty was to think and act to the best of his judgment. As a counsel, his private opinion was of no consequence whatever; he must be guided by the instructions of his client, and should do the best he could for the interest of that client, from whom he received his fee. Suppose a bill, began in the House of Commons, for or against which counsel might plead with advantage at their Lordships' Bar, an influential Member of the House of Commons would at once receive a retainer to support or oppose the passage of the bill through their Lordships' House; and could it be said that if this retainer was left at the Member's chambers before the bill came on in the House of Commons, that Member could be called upon to exercise his judgment independently and impartially upon it? He had as great a respect as any person for the order to which he belonged; but lawyers were men, and ought not to be thrown unnecessarily into the way of temptation. If they were ever so pure, would it be satisfactory, he asked their Lordships, that they, with such a retainer, should support or oppose the bill in its progress through the House of Commons? But supposing a bill to originate in their Lordships' House, a similar retainer would be sent, the services of an influential Member of the House of Commons ensured, and how would it be with him when the bill on which he was employed came to be sent down to the House of which he was a Member? Would it be contended that it would be proper, or a decorous proceeding, in him to adopt a different course in the House of Commons from that the adoption of which he had urged in the House of Lords? It was not optional when a retainer was sent for the counsel to accept it or not as he pleased. He was bound to accept it. What was the remedy in such a case? Should the counsel, because he had pleaded at their Lordships' Bar, be disqualified from voting in the House of Commons? Although he thought that such a practice would find no defenders, yet it might be said that it was the affair of the House of Commons—that that House should consider what was most for its own dignity and honour. In that opinion he could not concur. If a practice in its consequences was injurious to the public, their Lordships had a right to use the power which they undoubtedly possessed against it with the best effect they could; and if this mixture of the duties of a legislature and an advocate was injurious and vicious, they had not only a right, but were bound to interfere and prohibit it. At all events they had a right to consider whether the duties of a counsel could or could not, in certain cases, be satisfactorily performed at their Lordships' Bar; and he thought that a Member of the House of Commons pleading on a bill with which he was, or would be, further concerned in another capacity, could not be expected so satisfactorily to perform the duties of an advocate as a person who was not a Member of the House of Commons, and not connected otherwise with the bill. They expected from a counsel calmness, but zeal—they expected that he should follow his instructions, that he should be guided by his brief, and that he should not exceed his duty. But could they expect at all times that there should be that nice performance of an advocate's duty if the advocate was a Member of the other House, and in that character had opposed or intended to oppose or support the bill. Let him suppose that the Member had introduced the bill—that it was one on which he had staked his reputation—that it was a measure with the beneficial effects and importance of which he was deeply impressed—was it proper, was it satisfactory, that he should appear at the Bar of this House as a counsel to plead against that measure? But if, on the contrary, he came to support it, was there not some danger that he might bring with him a warmth in favour of the measure very natural in an author, but by no means becoming in a mere counsel, doing his duty as an advocate. Suppose the noble Lord, who introduced the Mines and Collieries bill, should be retained by some parties to plead for the employment of females in pits—to enlarge upon the desirableness of the labour, and their own satisfaction in performing it? Could it be supposed that he would ever support or favour such a proposition? or if, on the other hand, he was retained to plead for his bill, would not the noble Lord's feelings in its favour prevail, and his duties as a counsel be lost in his eagerness to advance the causes which he conceived so replete with justice and benefit to a great body of his fellow-subjects? Therefore, it seemed to him that looking to the dukes of a counsel, they could not expect that they should be performed so satisfactorily by a Member of the other House as by a person unconnected with it. Another point was, that there could not be on the part of their Lordships the same freedom in dealing with a counsel who was a Member of the Commons. Suppose, for instance, that a Member of the other House had pleaded before their Lordships on the question of the Printed Papers Bill, it was obvious there could not be the same freedom in dealing with a Member coming before them as a counsel to support a bill affecting the privileges of the House of Commons as there would be if he could not claim any privilege as a Member of that House. There were, then, he hoped their Lordships would see, grave reasons why the practice in question should no longer be permitted to exist. It was not said that there were any circumstances to take the case out of the ordinary rules by which it should be judged, or that any other counsel could not do his duty just as well as a Member of the Commons. He would now refer to the precedents on the subject. After very considerable research he could only find three instances in which any attempt of this kind, to mix the two capacities of Members of the House of Commons and counsel, had ever occurred. The first of these was not very generally known; it was the case of Sir H. Thynne, in 1661, who was appointed by the House of Commons, on a bill of his own, counsel to support it before the House of Lords It was an estate bill, and the probability was that it merely went before a committee, attracting no sort of public interest, and that counsel never appeared at their Lordships' Bar at all. That precedent, therefore, could not be entitled to the slightest weight. There was a Standing Order of the House of Commons, which required that when leave was given to a Member of that House to plead at the Bar of their Lordships, that the name of the case should be mentioned—whether it was a writ in error or an appeal; but it seemed never to have been thought possible that a Member of the House of Commons should plead before their Lordships when the subject was one of a legislative character; and in fact, of ninety instances of leave having been given by the Commons to Members to plead at the Bar of the House of Lords, the case of Sir Henry Thynne was the only one out of these ninety in which leave had been given to plead in the case of a bill. Nothing of the sort occurred after 1693 for more than a century, until the celebrated case of the bill brought in to dissolve the marriage of George 4th with Queen Caroline. Leave was, on that occasion given to his noble and learned Friend near him (then Mr. Brougham), and his noble and learned Friend the Chief Justice of England (then Mr. Denman), to appear at their Lordships' Bar as counsel against the bill. But that case could not be considered as a precedent in favour of allowing Members of the other House who had voted for a bill in that House to plead as counsel for it in this House. In the present case it appeared from the votes of the other House that none voted against the bill; therefore a Member of the other House who was present must have voted for the bill, and it was now proposed that one of those Members should be heard in support of the bill at the Bar of this House. In the case of Queen Caroline the circumstances under which Mr. Brougham and Mr. Denman appeared at their Lordships' Bar were very peculiar. Those Gentlemen were the Attorney and Solicitor general of her Majesty; they had defended her from the beginning; they were in her confidence, and it was impossible that she could have transferred her confidence to any others, and no others could so well have discharged the office of council against the bill. But in that case, as he understood, there was a stipulation, that if the bill came to the Commons, those Gentlemen being Members of the House who pleaded against the bill at the Bar of this House should not be permitted to vote upon the bill. He found that Mr. Brougham was reported to have said in the House of Commons—

> "Supposing—an event which he could not anticipate—the bill came down to that House, he should have to request for himself and his learned Friend permission of the House not to vote on any stage of it"—

so that there was a pledge and condition. Lord Castlereagh said—

> "He conceived the same privilege should be conceded to the other side, if Gentlemen, Members of that House, were called on to exercise their talents in support of this important bill: in that case it would be proper that the individuals thus selected should exercise their functions in that House with the same reserve and with the same understanding that the Gentlemen opposite would exercise theirs; namely, that they should discuss the question professionally, and not interfere by giving any vote on it."

And he moved that his Majesty's Attorney and Solicitor-general should be allowed the same leave as was granted to the Attorney and Solicitor general of her Majesty. Mr. Williams said, that

"The noble Lord had not coupled with his motion any statement that the King's Attorney and Solicitor-general should not vote upon the Bill of Pains and Penalties in that House, if such a bill were brought down from the other House of Parliament."

Lord Castlereagh said, that

"He had stated at the outset that such was the distinct understanding."

So that there was a distinct understanding that no vote should be given for or against the bill by any Member of the House of Commons who pleaded at their Lordships' Bar. This, therefore, was not a case in point as a precedent, because the Sudbury Disfranchisement Bill had come from the House of Commons. The Members of that House had already voted for it, and, therefore, on the principle for which he was contending, they had disqualified themselves from pleading at their Lordships' Bar. But he would go still further. He regretted that his noble Friend near him (Lord Brougham) had, upon the occasion referred to, abandoned his original intention of quitting the House of Commons altogether, in order to plead at the Bar of the House of Lords—a plan of procedure which he considered more satisfactory than that which had taken place. His noble and learned Friend, as well as his noble Friend the Lord Chief Justice, were then very popular, and might have been sure of being re-elected; and he therefore thought it would have been better if they had carried into execution their intention of retiring from Parliament. The only other case was in 1830—that of Sir Jonah Barrington, the Judge of the Admiralty Court in Ireland, against whom a charge of malversation in his office has been brought by commissioners of inquiry. In the first instance certain resolutions were come to by the House of Commons; those resolutions were communicated to their Lordships with an address to the Crown for the removal of Sir Jonah, in which this House was asked to concur. When the resolutions were communicated to their Lordships, an inquiry took place at the Bar of this House, and the Attorney and Solicitor-general were desired to attend, to examine the instances in which Sir Jonah was alleged to have been guilty of the offence. But that was not a bill of pains and penalties; if it had been, a Member of the House of Commons who had voted for it would not have been allowed to plead in its support at their Lordships' Bar. Mr. Macqueen, in his *History and Practice of the House of Lords*, stated, that

"Counsel being themselves Members of the other House of Parliament may plead in all matters, except such as are of a legislative character, at the Bar of the House of Lords."

He added—

"The reason of the exception is obvious; in all proceedings of a legislative character Members of the House of Commons have a right to vote, and therefore it is inexpedient for them to act as counsel in either House, which would be inconsistent with that independence and impartiality of opinion which are essential to their position as Members of Parliament."

This was written after Sir Jonah Barrington's case. According to authority and precedent, therefore, the practice could not be for one moment allowed. The order of the House of Commons by which leave was given was not binding on this House, and the House of Commons could not object to their Lordships not allowing one of its Members to be heard at their Bar. The order of that House was merely "that he have leave to plead, if he think fit, and if their Lordships think fit to hear him." It would be no want of courtesy on the part of their Lordships to decline hearing him; so that the House of Commons could not have the smallest reason to be offended if leave were refused: and for these reasons he trusted their Lordships would refuse permission. He regretted that a Peer of more experience and weight in the House had not brought this subject before their Lordships; but they would look at the merits of the question itself. The noble and learned Lord concluded by moving the resolution stated at the beginning of his speech.

The *Lord Chancellor* said, I trust your Lordship will excuse my troubling you with a few observations on the subject of this motion. I certainly cannot bring my mind to agree to support it. It is not my intention to follow my noble and learned Friend through the extensive details into which he has thought it right to enter on this occasion, particularly the details in the very early part of his speech; because nobody, for a moment, can doubt your Lordships' authority and power to receive or to refuse to hear any counsel at your Lordships' Bar. It is absolutely in your Lordships power to do in that matter what you think proper. I agree with my noble and learned Friend that there is a possibility of inconvenient results arising from hearing Members of the other House of Parliament in support of a bill at your Lordships' Bar. But the Houses of Parliament have sat for a long time, and counsel have appeared at your Lordships' Bar under the circumstances to which my noble and learned Friend has adverted, but no such inconvenience, in point of fact, has arisen. Another argument of my noble and learned Friend was, that if you allow Members of the other House of Parliament to appear at your Lordships' Bar to advocate or oppose a bill pending in Parliament, it may lead to a species of direct bribery; it might lead, according to my noble and learned Friend's argument, to bribery, in the shape of a retainer to Members of the other House, affecting them in the exercise of their legislative duties. Now considering that my noble and learned Friend, is a Member of the legal profession, that he practised in it so long, and with so much distinction, I think he might have known the character of those who plead at the Bar too well to suppose that a case of that description could take place, or to cast an imputation on the Bar generally which it so little deserves. It does appear to me that one inconvenience may arise, that the practice of Members of the other House being heard at the Bar might have a tendency to confine to such persons business of a certain class which ought to be extended equally to all. There may be a tendency to a slight inconvenience of that description, but after the experience of many years we know that no practical inconvenience has been felt, and we may feel doubtful of the policy of adopting any affirmative measure on the subject. I have heard it suggested at different times, that Members of the other House should not appear at your Lordships' Bar, under the circumstances that have been referred to, in support of or in opposition to a bill. My noble and learned Friend referred to instances of exception—remarkable instances, in which no objection was made. One was the case of the Queen's trial. Now whatever passed in the House of Commons on that occasion is no guide to your Lordships. On that occasion Members of the other House of Parliament pleaded on the one side and the other without any objection being urged by your Lordships. I have heard that objections were then surmised, and intimated, and whispered, but so far as public acts are concerned no objection was made. I also heard, and every one of your Lordships may have heard, that the permission to Members of the other House was attended with some inconvenience. I need not allude to the particular circumstances, they are gone by. It may be said that suffering Members of the House of Commons to plead in that case may have occasioned great excitement, and may have led to conduct which was attended with some inconvenience. I answer that I am sure it led to no inconvenience. If your Lordships had objected to those individuals pleading for or against the Queen, the consequence would have been that they would have relinquished their seats in Parliament, and the same individuals would have appeared to conduct the case, in the same manner, with the same temper and spirit as it actually was conducted under the circumstances of the time. That precedent shows that your Lordships have laid down no certain rule for the exclusion of Members of the other House of Parliament in the case of bills pending in this House. Another case alluded to by my noble and learned Friend was conducted much more temperately and calmly. It was in substance a bill, being a proceeding to remove a judge, which can only be effected by an address in which both Houses of Parliament concur. The present Chief Baron of the Exchequer, and the present Lord Chancellor of Ireland—who were then Attorney and Solicitor-general—appeared in that case, and without any consequent inconvenience. I am persuaded that careful investigation would discover other instances in which the same proceeding had taken place without any greater inconvenience. If your Lordships think proper to change the rule of the House, do so, but let the change be the result of careful and diligent investigation and inquiry. You should first of all minutely inquire into what has taken place in former times. After such inquiry, if you think fit to lay down a general rule, you will consider maturely what it should be—whether there should be any exception, and, if any, what exception—whether it should extend only to public bills, or to private bills also—in short with what qualifications and distinctions it ought to be adopted. I am quite sure you ought not to proceed rashly or hastily to a decision without considering the subject in all its bearings or without adopting the usual precaution, in cases of this nature, of referring it to a select committee. But, my Lords, I have another objection to the motion of my noble and learned Friend. I do not like a motion of this kind which is general in form, but which is directed against a particular individual, and intended for a particular occasion. It may be said that it is a general rule, and you wish to lay it down as a general rule for the conduct of the House. It is so in terms, and it is true that the individual is not named; but who will not see that the motion is directed against that individual, and against that individual alone? I call upon your Lordships not to make a rule on this ground. It would be unworthy of the House, unworthy of your Lordships' character and station, to make such a particular case the ground for such an order as my noble and learned Friend proposes. On this ground I oppose the motion. If it be thought proper further to consider the question, I would recommend that it be brought forward early next Session, and that a select committee be appointed for its investigation. I do not wish to see it adopted hastily, on the spur of the occasion; and, above all, adopted with reference to a particular individual. Having stated what I have submitted for your Lordships' consideration, I wish to state facts connected with the employment of counsel in the particular case of the Sudbury Disfranchisement Bill. The moment I was informed that a number of witnesses were to be examined at your Lordships' Bar, I did what every one holding my situation does—direct an application to be made in the usual way to the Treasury for the attendance of counsel. The gentleman named by the Treasury was Mr. Waddington. If my noble Friend the noble Marquess, who has the conduct of the bill, thinks it necessary to have other forensic aid, application should be made for it. Your Lordships will have no objection to the employment of another counsel, but I would suggest to my noble Friend, that in such cases it is usual to be as parsimonious with regard to expense as possible. I have thought it right to give this explanation of the facts, in order that if one gentleman should be preferred, it should not be ascribed to any cause but that Mr. Waddington was appointed before the name of any other gentleman was suggested. I have only to add, that for the reason I have stated I feel it my duty to oppose the motion of my noble and learned Friend.

Lord *Brougham* said, I deem it my duty to add, that my clear and unhesitating opinion agrees with what my noble and learned Friend has just stated. Undoubtedly my noble and learned Friend who made this motion stated, and I most willingly and entirely believe him, that he was fully aware of the gravity and importance of a proposition of this description for altering or extending a Standing Order. But I am sure it is only because my noble and learned Friend asserts this that I believe it, for I do not perceive in the course he has taken, any, the slightest, indication of his being aware of the gravity, the importance, or, permit me to say, the delicacy, of the question which he has undertaken to bring before the House. But as my noble and learned Friend has informed your Lordships that he is aware of it, of course I am bound to believe him, and I do believe that at least he thinks so; but his conduct is entirely at variance with any possibility of having been so aware. My Lords, to propound a Standing Order in any generally important matter is one of the rarest, and permit me to add, one of the most difficult tasks which any of your Lordships can take upon you to perform. I had the honour of sitting in this House, in the place now much more worthily occupied by my noble and learned Friend (the Lord Chancellor), for four years. My noble and learned Friend who succeeded me was there upwards of five years. My noble and learned Friend who sat on the Woolsack during the intermediate period sat altogether during, I believe, six sessions of Parliament. Not one of us, with a single exception, during the whole of that period, during the twelve or thirteen years that we filled the place of Speaker of this House, ever thought it becoming that we should so far go out of our way as to alter or extend any of your Standing Orders. The exception to which I allude furnishes an illustration of what has been said both by my noble and learned Friend on the Woolsack and myself. I had the honour of proposing a set of Standing Orders in the year 1837. I did not get up and give notice on Friday that I should move them on Monday in consequence of some circumstance which just then became known, and afterwards postpone them for a few days only in consequence of the illness of the Lord Chancellor. The subject was fully opened to your Lordships. There was much consultation held with all the Members of your Lordships' House who take a part in law cases. There were private consultations on them before proceeding further. The result of that deliberate consideration was explained to your Lordships, but I did not move their immediate adoption. Such propositions become law by a single act. Without going through the stages of different readings, committee, and report, they acquire immediately and by a single step the force and authority of law. That immediate legislation was not proposed in 1837. But that is the course which my noble and learned Friend, being aware, as he says, of the gravity and importance of the occasion—that is the course which, to show that he is so aware, and that he is acting under the influence of that feeling, and under the control and restraint which it is calculated to impose, has thought meet to propose for your Lordships' adoption. What was done in 1837? The subject was discussed in this House. A select committee was appointed to consider it and report their opinion to the House. It was attended by my noble and learned Friend, by the noble Duke opposite, and by all accustomed to take a part in such proceedings. The committee, after full deliberation, made a report. The report was circulated amongst your Lordships, and your Lordships, having again considered the matter, did at last adopt those Orders. On another occasion a similar course was taken. In 1715 it was referred to a committee to consider the Standing Orders generally, and the judges were summoned to attend it, so important and so difficult was it felt to interfere with the Standing Orders. Now, my Lords, I really cannot see anything so much a matter of course in the present proposal—I cannot think it such an exception to all proposals of this description as to induce me to depart from that cautious, circumspect course which your Lordships have always adopted in dealing with such questions. I think, if I were to go over the whole speech of my noble and learned Friend, and take one after another of his instances and his arguments, I can hardly conceive that stronger reasons could be urged, or stronger instances cited, for the purpose of inducing your Lordships to negative the motion of my noble and learned Friend, than such a recapitulation of my noble and learned Friend's own speech would exhibit. Does my noble and learned Friend not perceive — with his acuteness on all other subjects, which is so great where his mind is not unhappily warped by some preconceived idea, some feeling of a kind of necessity from which he cannot escape, of meddling with the Standing Orders and propounding new ones—does he not, with his acuteness, never until now at fault—perceive that every one of his arguments applies to a different question, to a different matter from that which is before your Lordships, and to another place than your Lordships' House? He says, if a Member of the House of Commons comes here to argue a bill, whether about to be sent to the House of Commons from this House, or brought up thence, the greatest inconvenience and most mischievous consequence must ensue. How? Where? To whom? To this House, where alone your Lordships have anything to do with the consideration of mischievous consequences? Not at all. My noble and learned Friend does not affect to say so. He cannot descry the most remote or distant glimmering of such an inconvenience. He said a Member appearing at this Bar, upon a bill about to go down to the other House, might have his judgment as a legislator warped with regard to it. If it were a bill about to come up from the other House, a Member might likewise be unduly affected by having a retainer in his pocket. Whose concern is that? It is the business of the House of Commons. It is for them to protect themselves. That there may be an inconvenience I do not deny—there may be a warping of the judgment—there may be bribery, or what has the same effect, I do not deny it, but it is a matter for the House of Commons to consider. It is for them to keep their Members from anything which may interfere with the discharge of their duty—to take care that the forensic zeal produced by a retainer, may not enter into their legislative deliberations. My noble and learned Friend said, that if a Member of the other House receives a retainer to appear at your Bar, it may influence him here. Why, that is the proper office of a retainer. It is for that it is given. The more it influences his conduct, the more he is under its sway—the more zealously, in consequence of it, he performs his duty, the better. Better for whom? For the client who has retained him, and not the worse for the court before whom his client has sent him to argue. Does it do your Lordships any harm that he shows zeal in consideration of that retainer, and, for aught I know, in proportion to it. No such thing. It is exactly what he is here to do. To turn to my noble and learned Friend's motion—it furnishes an instance of the consequences of that rash and hasty legislation, without the circumspection or caution which I took leave to recommend a few nights ago—an illustration of that headlong impatience for alteration which, where the ordinary guards and preventives of rashness and crudeness are absent—the different stages of first, second, and third reading, committee, and report—and where one motion upon one speech, however eloquent or convincing, acquires in an instant the force of law, may altogether fail to accomplish the object it has in view. My noble and learned Friend, who is so well aware of the gravity and difficulty of the subject, and of the caution and circumspection which it needs, thinks it necessary to prevent Members of the other House from pleading before your Lordships. What is the Standing Order which he proposes? That they shall not be allowed to plead at the Bar. Would this prevent them from going before committees? The same mischiefs and inconveniences might arise before a committee to-morrow, even if this order were adopted to night. Perhaps my noble and learned Friend would be willing to alter and amend his own Standing Order, but what a proof this is of the deliberation with which it has been framed. There was a case in 1792, when a set of Standing Orders were adopted on a short notice, and a short time after it was found necessary to suspend them for the remainder of the Session. that case is a beacon to warn, and not a safe haven to attract. I speak with great distrust of my own feelings, but with no distrust of my own recollection, when I come to that part of my noble Friend's statement, in which he made allusion to the case of the Queen. It turns out, at the end of two-and-twenty years—I was not before aware of it—but it does so happen, that my noble Friend thinks we, who were concerned in that case, ought to have adopted another course than that which we did take, and instead of maintaining our seats in the other House, we ought to have quitted them, to discharge our professional duties. My noble and learned Friend has been inconceivably careless in his statement of the facts referring to that occasion, and not less so in the inferences he has drawn from them. First, as to the facts. He says, the reason why an exception was made in granting leave to the present Chief Justice and myself was, that we held the offices of her Majesty's attorney and Solicitor general. But my noble and learned Friend is not aware that Dr. Lushington held no office under her Majesty—that Dr. Lushington was a Member of the other House—that he had a common retainer as counsel for the Queen, and that leave was given to him in the same way, and the same words in which it was given to the Chief Justice and myself. So much for the fact. Now as to the inference. My noble and learned Friend would have advised us to vacate our seats at that time. We had not then the benefit of his counsel, and were obliged to act on the light we had. My noble and learned Friend says, we should have been easily restored to our seats. This shows how the most acute and subtle minds who have not taken time to consider a subject may mistake where much humbler capacities by proper consideration can see clearly. My noble and learned Friend says, that I had great popularity, which would have secured my re-election. Great popularity would have been of great use in one of the closest boroughs in all England. In the ignorance which my noble Friend labours under—God knows it is no fault of his—he says, I ought to have retired from Parliament. If I had retired from the borough, some one must have taken my place. What would have been the consequence? I could not ask that person to retire again. That being the case, I had resolved to go out. I had resolved to retire from Parliament, and announced, on bringing forward certain motions, that I did so with that view. But I had ascertained, that I could not come in again. I announced, too, before the House granted leave, as also had Mr. Denman my intention to refrain from taking any part in the discussions upon any bill which might be brought before the House with respect to the subject upon which I was to be heard at your Lordships' Bar. His noble and learned Friend (Lord Brougham continued) said, that the Queen's Solicitor-general could again be returned if he had resigned before pleading at the Bar—for where?—for Nottingham! Returned again for Nottingham, after, perhaps, a severe contest had taken place? Could the retiring Member, no longer wishing to be out and again desirous of being in his place in the House of Commons, so easily displace his successor? That was a question which he would leave their Lordships to judge of. For his own part, he had not the faculty of perceiving that the election was so certain or easy;

but, perhaps, it was a question which the successor of Mr. Denman could best decide. "Oh! but!" said his noble and learned Friend, "what was more easy than to go back and be re-elected?" The present facts, with respect to that borough, would, perhaps, show that it was not so very easy to go back. What atom, what particle of difference would it have made if all those who were engaged in the Queen's case as retained advocates, and had taken part in the judicial proceedings relating to her—what atom of difference would it have made if they had abandoned their seats whilst those proceedings were pending, and returned to them again immediately after by means of a re-election? What difference would such a course have made as to the inconvenience and mischiefs which his noble and learned Friend apprehended! The only possible difference which he could see was, that in the one case they would have gone out, and that in the other they had remained. The only portion of his noble and learned Friend's argument which related to their Lordships—for that which related to the inconvenience which might arise in another place from Members of the other House pleading at their Lordships' Bar was for that other House to consider—the only portion of the argument which related to their Lordships was, that they might not be able to exercise the same power over those who could plead the privilege as over persons who could not. This, however, he denied. He would stand up for the privileges of their Lordships' House, and he denied that they could not maintain them with the same power, whether the persons heard at the Bar were Members of the other House or not. Let any Member of the other House pleading at that Bar show a want of respect for the privileges of that House, let them presume to say or do anything which would not be warranted in an ordinary Member of the Bar, and their Lordships would soon visit the breach of their privileges, either with an appropriate censure or with some other form of their displeasure which they might deem called for. Nay, he would proceed further and say, that they would be wanting in the proper respect which was due to themselves if they failed to show to any Member of the other House who might plead at their Bar that any breach on his part of the privileges of their House would be visited with the same punishment, neither going further nor falling short of that which would be dealt to an advocate who was not a Member of the other House. It would then be seen how little was to be apprehended by their Lordships from that privilege of Parliament which had been so absurdly set up in support of the present motion. For his own part, neither he nor any of those engaged with him at the trial of Queen Caroline presumed on the privilege of Parliament when heard at the Bar of that House. There were the Standing Orders of the other House twice repeated—once in 1693, and again in 1695—prohibiting all Members of the House of Commons from pleading at their Lordships' Bar without the permission of that House; and there would be found on its journals abundant instances, even to overflowing, to prove the rule, by pointing out the particular occasion upon which leave had been granted. Let the House of Commons then deal with their own Standing Orders. He did not see any harm that could result to that House from the Members of the Commons being there to plead upon bills. At the same time, however, he thought it was ill-advised in the other House to give such permission. In the first place, their doing so was unfair to the profession; and, secondly, it must, almost of necessity, be an interruption of the duties of Members. Unless, therefore, good cause was shown, he thought such leave should not be granted at all; but, at the same time, it must be remembered that this was an affair of the House of Commons, not of their Lordships; that they had nothing to do with it, and ought not to discuss it; indeed, the only points on which he differed at all from his noble and learned Friend on the Woolsack was, that he did not for a moment anticipate a period when the consideration of the subject ought to be renewed in their Lordships' House. One word more, and he would conclude. The noble Lord who brought forward this motion declared, that whilst he raised the question for the more delicate dealing with cases which might immediately occur, he did not intend in any way to direct its application to the particular case of Mr. Roebuck. Now, he could not at all see how it was possible to disconnect the two proceedings—the proceeding of the Commons, namely, with respect to Mr. Roebuck, and the proceeding of the noble Lord with respect to the Standing Order. If, indeed, this motion had been brought forward, not only after Mr. Roebuck's retainer had been sent, and after he had obtained leave to appear at their Lordships' Bar, but after the cause was over respecting which such leave had been granted to him —then there might have been some presumptive proof in support of the noble Lord's declaration; but the fact was, that notice was given of the motion immediately after Mr. Roebuck had obtained leave, and before he could have been heard, and the noble Lord timed the motion just so,—that his noble Friend, the noble Marquess to whom the bill was committed, having given notice that he should move its second reading on Friday night,—what did the noble Lord do but get up and put off his motion, not to a day subsequent to that on which Mr. Roebuck would, in course, have appeared at their Bar, but to this very day, this particular Thursday, being the one day previous to the second reading of the bill and to Mr. Roebuck's making his appearance as counsel in support of it. The evident object, therefore, was to make a sort of *ex post facto* law to meet a particular case—the particular one, no doubt, of Mr. Roebuck's appearing at the Bar of their House. Whatever might be the noble Lord's design, it was accordingly clear that this motion would have the inevitable tendency of preventing the attendance of Mr. Roebuck, of whom he must say, that a man of more inflexible integrity, public and private, he had never known—in addition to which he might further add, that he had rarely met with one of larger information or of greater ability.

The Marquess of *Clanricarde* believed he must take it to himself that any necessity had arisen for discussing this motion, for in undertaking the charge of the Sudbury Disfranchisement Bill in their Lordships' House, he had thought it desirable that some one should attend at the Bar to support it, and after concert with others it seemed to him that Mr. Roebuck was a very proper person to hold the brief. He (Lord Clanricarde) had, however, certainly never contemplated the difficulty which had arisen, but it having occurred, he was bound, after mature consideration, to say that he did not see that any reason had been shown why their Lordships should interfere. The matter seemed to him to be peculiar to the Commons, and he thought that branch of the Legislature should be left to deal with it as they pleased.

Lord *Campbell,* in reply, observed that he had, with respect to this motion, a very formidable opposition to encounter in the combination of the noble Lord, the Lord High Chancellor, on the Woolsack, and the noble ex-Chancellor who sat behind him. When their Lordships recollected, however, that both those noble Lords, being then Members of the House of Commons, had on a former occasion been the very parties to appear as counsel in a criminal proceeding at their Lordships' Bar, he did think that they would not look upon them as very high authorities on this subject, but that they would rather consider their judgment to be warped by their position than to be perfectly and entirely impartial. He had been severely censured by both the noble Lords for what they termed his precipitation with regard to this motion. It had been said, in the first place, that he should have moved for a select committee. Surely, however, no select committee was required to consider a Standing Order. His order would be, perhaps, of three lines in length; there would be nothing complicated about it, nothing opposed to precedent, nothing that their Lordships might not consider and decide on in the course of a few minutes. Where, then, was the necessity for a select committee, which was only usually appointed in cases of extreme difficulty, or where research or consideration was made peculiarly desirable? But then it was said, he was acting with disrespect to Mr. Roebuck, and that he ought to have waited until that gentleman's case had been heard. As to the disrespect, he disclaimed any such intention as that imputed to him, but, on the other point, what would have been the consequence if he had waited until Mr. Roebuck had been heard? Why, the mischief would have been done; the very fact that he had appeared at their Bar would have been construed into a precedent, and would have been an irresistible argument against his motion. The noble Lord the ex-Chancellor of England was, in his own person, the self-constituted guardian of the purity of the House of Commons; no one, even among the very Members of the lower House, was so seemingly anxious for the purity of that House as the noble Lord. Now, let him ask the noble Lord did not he think it would be indecent and indecorous for any Member of that House to vote on a bill concerning which he had received a retainer, and must therefore be taken to be an interested party? Would not the noble Lord assist in putting down such a practice if he saw it acted on? and would not their Lordships exercise their undoubted right of interposing where they saw a public evil following from such a practice? But the noble Lord said, why interpose in this particular case? why not have taken such a step before, or else why not wait until this case had been heard? He (Lord Campbell), replied to this, that up to the present time there never had been an instance parallel to the present. In the Queen's case it was distinctly declared by the resolution of the Commons that the Members named should have leave to attend.

"Under the peculiar circumstances of the case; but," it was added, "such leave is not to be drawn into or construed to be a precedent."

The noble Lord, indeed, himself set this part of the question at rest, for he had owned to them that he intended to resign his seat for Winchelsea, but that a difficulty having arisen as to his getting reseated for that borough, he had made a point of obtaining leave of the Commons to appear. The fact, therefore, of the noble Lord's being likely to lose his seat for Winchelsea seemed to have been the cause of his change of opinion. If he could readily have got in again when the trial was over, he would not have appeared at their Lordships' Bar in the joint character of the Queen's Attorney-general and a Member of the House of Commons. But there was still another strong point with reference to this part of the case. An express stipulation was made in the Queen's case that the counsel engaged should not vote upon the bill; but in the case adverted to, Mr. Roebuck had voted on the bill. According to all established usage, no man could be judge and advocate in the same cause. In the Queen's case the noble Lord was not to be a judge, but in this case Mr. Roebuck had absolutely acted as a judge already. With respect to the other cases, Sir Henry Thynne's was the case of a private bill; Sir Jonah Barrington's was the case of an address from the Houses of Parliament for the removal of a judge. Looking at all the facts and precedents, therefore, he must say that he thought he had made out a case for the adoption of this motion; but whether their Lordships were inclined to agree to it or not, one thing he must beg them distinctly to bear in mind, and that was, that if they did not now adopt the Standing Order, the opportunity of doing so would soon for ever have gone by.

Motion negatived.

LIMITATION OF ACTIONS (IRELAND).] On the Order of the Day for the second reading of the Limitation of Actions (Ireland) Bill,

The Earl of *Glengall* objected to the bill. It was a measure of an important character, and a memorial signed by 700 noblemen and gentlemen, representing the hardships that would be inflicted by the bill had been presented against it to the Lord Chancellor.

The Archbishop of *Armagh:* The object of the bill which is now on your Lordships' Table, is to extend to Ireland the provisions of an act which was adopted nine years ago, respecting advowsons in this country. The bill proposes to limit the time within which *quare impedit* actions may be brought. It is founded on a principle recognised distinctly and of old by the laws of England—which principle is this, that a long period of adverse possession gives an indefeasible right to the property which has been so held. The act to which I allude was passed in 1833, and had reference to both real and ecclesiastical property. Its provisions with regard to the former, extended to Ireland as well as to England; but from the benefit with regard to the latter, the patronage of advowsons—Ireland was excluded. The design of the present bill is to assimilate the law of the two countries, and to give to Ireland the advantage of that measure, which was deemed requisite for the quieting of titles to church patronage in England. The same weighty reasons which convinced your Lordships of the propriety of passing the act of 1833, apply with equal force to induce your Lordships to extend its provisions to Ireland. The provisions which this bill contains are most equitable: they assign as a limit the term of sixty years adverse possession, or three successive incumbencies. But they enact that in no case shall a possession for 100 years be disturbed, although there may not have been three incumbencies in that lengthened period. Noble Lords are not to imagine that this bill is framed so as to work exclusively for the advantage of the Prelates of the Church, in securing to them the patronage to which they lay claim. On the contrary, I know myself an instance in which it will operate in favour of a noble Lord on the opposite side of the House, by preventing the Bishop of a diocese adjoining my own from endeavouring to recover the presentation to a valuable benefice to which he thinks he has a right, though his predecessors have been unable to establish it; and, doubtless, there are many similar cases. The measure, however, was one which, after mature deliberation, and the advice of the most learned, impartial, and upright judges, was thought to be fair and equitable as regarded such property in England. We take those provisions just as they stand, no matter for whom or against whom they may operate; and we ask you to apply them to Ireland, for the quieting of titles to property there, in the same manner as they have quieted titles here. A memorial, I have heard, has been presented to the Lord Chancellor by some noble Lords against the passing of this bill, on the ground of their ancestors having been Roman Catholics, whose titles to advowsons had been, as they represent, usurped during the incompetency of their true patrons. But I would observe, that there is not one of the noble Lords who have presented that memorial against the passing of the bill, who is himself a conformist from Popery, and now beginning for the first time to inquire into the rights which appertained to his ancestors. No, every one of them was born and brought up a Protestant; and it is too hard that the patronage of the Church should be left unsettled for the mere purpose of enabling the next generation, or the generation after that, to disturb this property, when neither the memorialists nor their fathers thought fit to take the proper steps during the last fifty years, for trying their titles thereto. Had such a principle as that which is put forward by the memorialists been adopted, had it found any favour in your Lordships' House, had it been thought to be fair and equitable, the act of 1833 would never have been passed by the Legislature. The benefits conferred on this country by the provisions of that act are acknowledged by all; I therefore wish them to be extended to Ireland; and would intreat your Lordships to give your support to the bill before the House; for the second reading of which I shall now give my vote.

The Marquess of *Clanricarde* said, that on a future occasion it would be necessary to have much more discussion than the most rev. Prelate seemed to contemplate. They should look to the nature of the property to be affected by this measure. He had himself instituted many actions, and never failed, except in one case where a nonsuit was directed. He hoped the subject would be allowed to stand over for the present, and that some mode would be adopted of settling titles equitably.

The Earl of *Wicklow* said, it was desirable that the measure should pass, and the question be set at rest. Ireland was originally included in the bill passed in 1833, but for some reason which he did not know, was excepted in committee. The law should be assimilated in the two countries, and he hoped they would go into committee, and that a day would be appointed for the third reading. There was no reason why the bill should not pass.

The Bishop of *Derry* said: My Lords, it is with great reluctance I rise to offer myself to your Lordships' attention, but as I am not in the habit of doing so often, and as the subject under consideration is one in which I must naturally be supposed to take considerable interest, I trust I may be favoured with your indulgence while I make a few observations upon it. My Lords, I certainly derive peculiar satisfaction from the course which the noble and learned Lord on the Woolsack has thought it advisable to pursue with respect to this bill, which I trust your Lordships will permit to be read a second time this day. My Lords, I look upon it as decisive evidence of the importance which the noble and learned Lord continues to attach to this measure, I say continues, because in the Session of 1833, I find from the *Mirror of Parliament* the noble and learned Lord urged the adoption of this bill, with that clearness and perspicuity for which he is so eminently distinguished:—

> "It is founded on a principle," the noble and learned Lord said, "long recognised by the law of England, which principle is—that a long period of adverse possession gives an indefeasible right to the property which has been so held. Advowsons can only be contested in cases of vacancy. Now a vacancy may not occur within a period of twenty years; therefore, a period of three incumbencies, or sixty years, is adopted, but in no case to exceed a hundred years, although the three lives may go beyond that term."

I find also by reference to the *Parliamentary Debates* on the same occasion, that my noble and learned Friend opposite (for I must take the privilege of calling him so) made the following observations—

> "I do not recollect what was the case as regards the statute of James, but I think no limitation was fixed; it was from and after the passing of the act. The period so settled, and the date from which the act is to take effect,

may work hardship to individuals. If, for instance, you say that this act should not come into operation for a year and a day, what would be the consequence? Why, the consequence would be, to bring a number of worthless and unfounded claims into the courts for the sole purpose of avoiding the operation of the bill. But, then, it has been said, that we are passing a law which is to have an *ex post facto* operation. Why, the very last act on this subject, that which was introduced by my Lord Tenterden, had that effect most completely; and Baron Hullock decided at Carlisle that its operation was intended to be such. It is obvious that if you do not insert the words 'from and after the passing of this act,' you induce a person whose right is about to be barred, to arrest his debtor merely for the purpose of obtaining an acknowledgment of his debt from him."

And on reference to the debate on the third reading of this bill I find the following observations by the noble and learned Lord (Lord Brougham):—

"I have consulted the Chancellor for Ireland, and he is not aware of any reasons why Ireland should be exempted from its operation."

Lord Plunket said—

"I certainly am not aware of any grounds upon which Ireland should be exempted from the operation of this measure."

The bill was then read a third time and passed. My Lords, I have quoted these high authorities to satisfy your Lordships of the soundness and justice of this measure, and I can quote, further, the authority of another noble and learned Lord (Lord Campbell) now in his place, who propounded this measure to the other House of Parliament. I may be permitted to add, that the noble and learned Lord, who was then Chancellor for Ireland, had full cognizance of the justice and necessity of extending to the Irish Church the protection of this act, for he had, not long previously, presided as chief justice at one of those vexatious trials respecting advowsons brought by the Irish Society against the late Bishop of Derry. Having alluded to this society, I must claim your Lordships' indulgence whilst I read a brief but correct return of their proceedings against the Bishops of Derry since the date of their incorporation:—

"THE VARIOUS PROCEEDINGS TAKEN BY THE IRISH SOCIETY AGAINST THE BISHOPS OF DERRY SINCE THEIR INCORPORATION, IN 1613.

"1629. The farmer of the Taylors' Company, deriving from the Irish Society, sued the Bishop of Derry, in a *quare impedit*, for the recovery of the advowson of Camus (the advowson now in dispute). The Bishop removed the cause to the Council Table, and further proceedings were stayed.

"1662. The Irish Society instituted proceedings against the Bishop of Derry for the recovery of the advowson of Duhboe; but, after the cause was at issue, further proceedings were stayed.

"1789. The Irish Society instituted proceedings against the Bishop of Derry for the recovery of the advowson of Faughanvale, but were unable to sustain them, and the proceedings were abandoned.

"1830. The Irish Society sued the late Bishop of Derry, in a *quare impedit*, for the recovery of the advowson of Killowen, and a trial at bar was held in the Court of Common Pleas, before Lord Plunket and three other judges, and a special jury, and a verdict was recorded against the society, with costs.

"1838. The Irish Society sued the present Bishop of Derry, in a *quare impedit*, for the recovery of the advowson of Camus. A trial at bar was held in the Court of Common Pleas, before the four judges and a special jury, and a verdict was recorded against the society, with costs.—May, 1840.

"1840. The Irish Society applied for a second trial of the same cause, which, after a lengthened argument, the court granted, in consideration of the weight and importance of the case; and a second trial was held at bar, before the same judges and a different special jury, and a second verdict was recorded against the society, with costs.—November, 1840.

"1841. The Irish Society appealed to the twelve judges in the Court of Error, upon the allegation that illegal evidence had been admitted by the judges of the Court of Common Pleas. The case was fully argued during the Easter and Trinity terms of 1841, and the judges of the Court of Error gave an unanimous judgment against the society, with costs. —20th April, 1842."

My Lords—In these proceedings, which affect the diocese of Derry, your Lordships will perceive that, in no one instance, have this society been successful, and I am really at a loss to discover upon what ground they can hope to succeed, except it be upon the weight of a corporate purse as opposed to the funds of an individual. I trust, my Lords, I have stated sufficient facts to induce your Lordships to extend to the church in Ireland that protection which you have already afforded to the church in England. I abstain from entering more at length into this subject, after the convincing arguments addressed to your Lordships by the most rev. Prelate who presides over the church in Ireland, and whose unwearied efforts to promote its best interests are too well known, and too universally acknowledged, to require any eulogium from me. The most rev. Prelate, no doubt, possesses a much higher reward—indeed the best earthly reward—the approbation of his own mind.

The *Lord Chancellor* said, that, in the bill of 1833, Ireland had been left out, in order to give time to parties to establish their rights; but, though nine years had since elapsed, it appeared that nothing had been done, and that they had allowed those rights to lay dormant ever since. The object of the bill was to bring those proceedings to a close, but sufficient time would be allowed, as the bill gave no power to require that suits should be commenced immediately. When they went into committee upon the bill, there was no doubt that they would be able to come to some arrangement that would be mutually agreeable, but, at all events, it was time that litigation of this kind should be put an end to.

The Earl *Fortescue* supported the second reading of the bill.

Lord *Campbell* thought, that the time had now arrived when, taking care of existing interests, this measure should be extended to Ireland. It was monstrous that, in Ireland, parties should be able to go back to the time of Strongbow, if a presentation had been made so long ago, while in England a measure for the limitation of these suits had been carried.

The *Lord Chancellor* would endeavour, before the bill went into committee, to frame a clause the object of which should be to protect existing interests.

Bill read a second time.

Adjourned.

HOUSE OF COMMONS,

Thursday, July 28, 1842.

Minutes.] Bills. *Public.*—1°· British Merchant Vessels.
Committed.—St. Asaph and Bangor Preferments.
Reported.—Western Australia.
3°· and passed:—Court of Exchequer (England); Stamp Duties Assimilation.
Private.—1°· Duke of Buckingham's Estate; Lord Dinorben's Estate.

Petitions Presented. From President and Members of Medical Associations (Ireland), against placing Medical Charities under the Poor-law Commissioners.—From James Watt, for Inquiry into the state of the Ancient Records in Dublin.—By Mr. S. Wortley, from Doncaster, to take the claims of that Town on Representation into Consideration.—From Bakers (Ireland), for regulating their Working Hours.—By Mr. Hume, from Whitburn, for Inquiry into the Existing Distress.

Portendic.—Claims on France.] Mr. *Goulburn* moved that the Order of the Day for the committee on the Common Law Courts (Ireland) Bill be discharged.

Mr. *Divett* would take that opportunity of asking a question of the right hon. Member for Tamworth, as to the present state of the joint French and English commission on the claims of certain English merchants for serious injuries to their ships and property by the French authorities in the Bay of Portendic. He preferred endeavouring to elicit information on the subject by putting a question, rather than by making a motion for papers; because he was aware that it might be inconvenient for the Government to produce them at the present moment. The outrages to which his question referred, were committed by the French upon English commerce, as far back as 1832. The subject had several times been brought under the consideration of Parliament, and an opinion uniformly prevailed, that the French had acted with great atrocity towards our merchants. In consequence of the representations which were made to the French Government, it appointed a commission to determine upon the claims of the British merchants; but that proceeding led to nothing but quibbles and protracted discussions, and no attempt was made to meet the question fairly. He was conscious how desirable it was to maintain amicable relations with France, but he really thought it would be better to make up our minds at once for some serious consequence, than to allow irritating questions of this nature to continue from year to year. The object which he had in view, was to elicit from the right hon. Baronet some strong expression of opinion with respect to these proceedings. In February of the present year, the right hon. Baronet expressed himself on the subject in a manner worthy of the Prime Minister of this country, and condemned, in the strongest terms, the conduct of the French government in postponing the settlement of the claims. The right hon. Baronet also stated, that in his opinion the late Government had not acted in the matter with the vigour which they ought to have displayed. He (Mr. Divett) was aware that there had been difficulties in the way of the settlement of the question by the late Government, but at the same, time there were circumstances which, perhaps, in some degree justified the observations of the right hon. Baronet. In December, 1838, the following letter was addressed to Lord Palmerston :—

"My Lord — We have abstained from troubling you since the prorogation of Parliament upon the subject of our claims; our patience is, however, now nearly worn out. We have waited from month to month, fully expecting that some communication with reference to these just demands for redress might have arrived from Paris, but we have waited in vain. Your Lordship's vigorous remonstrances of February last; M. de Gabriac's promises that the report of the consultation committee should be sent in to his government, before the end of June; the solemn pledge given by the Count Molé that upon receiving the report he would lose no time in making himself master of the case, and in obtaining from his cabinet a resolution upon it; the hopes held out by Lord Melbourne in the House of Lords, towards the close of the Session, that our grievances would be speedily adjusted, appear, so far as we are informed, to have been down to this moment utterly barren of effect.

"We confess that we cannot contemplate, without feelings of the deepest mortification, the very different sort of precedure which has been adopted by the French ministry in behalf of French subjects, in cases where the latter complain of injuries inflicted upon them by foreign states. Witness the example of Mexico and Buenos Ayres, whose coasts the king of the French has placed under blockade, in consequence of the refusal, or rather the hesitation of those Republics, to satisfy the claims of French merchants, claims by no means so unquestionable as ours, and not much exceeding, in the whole, the amount of our demands against France; and yet, for four years, we have been seeking compensation from that country for injuries of the most positive nature, aggravated by circumstances the most humiliating to our pride as British merchants, as well as fatal to our general trade with Africa.

"We feel ourselves compelled to ask your Lordship most respectfully how much longer we are to wait for justice, and through what species of instrumentality we have any chance of procuring it? Can the executive do anything for us, or are we to wait untill Parliament be opened next year; and are we again to go through the process of interrogation and motion for papers, and all that circuitous course of solicitation for redress, from a state within three hours' sail of our own shores?

"We should feel extremely obliged to your Lordship if you would have the goodness to consider the very painful situation in which we are placed, and the great injustice inflicted upon us by the French system of diplomacy, which, independently of the hardship upon us as individuals, we humbly submit is derogatory to the honour of our country; a system of diplomacy that seems an utter stranger to the settlement of accounts, excepting when the balance is entirely on its own side.

"We have the honour, &c. &c.

(Signed) "G. C. Redman.
"M. Forster.
"Robert Harrison.

"The Right Hon. Viscount Palmerston, &c.
"London, December 3, 1838."

At the present moment the question remained still in the same state. The French government had evinced nothing but a disposition to put off the settlement of the question by resorting to trickery, and the lowest species of petty-fogging practice. He had no hesitation in saying that the conduct of the French government was disgraceful to a nation holding such a high position as France occupied. He would ask the right hon. Baronet to explain the present state of the proceedings of the joint French and English commission on the claims of certain English merchants for serious injuries to their ships and property by the French authorities in the Bay of Portendic?

Sir *R. Peel* said, that as the hon. Gentleman had determined to bring the subject under the consideration of the House in the form of a question rather than of a motion, he thought it incumbent on him, in replying to that question, to adhere to the ordinary rules by which the conduct of Ministers, in answering questions, was regulated. He was not at liberty to enter into discussion, but he was justified in answering the question put to him. Whatever feelings he might entertain on the subject of these claims—and they were strong—he thought the wiser and more dignified course to pursue was to abstain from all harsh and contumelious expressions. And if he used forbearing and temperate language, he trusted it would not be thought inconsistent with the strong feelings which he entertained as to the justice of the claims of those persons whose interests were involved in the subject. At an early period of the Session he held out strong expectations that those claims would be satisfactorily arranged, and his noble Friend, the Secretary of State for Foreign Affairs, held out similar expectations. He was not, however, enabled to confirm these expectations, but he could assure the hon. Gentleman that he held out no expectations which he was not justified in exciting, in consequence of the assurances which the Government had received. The hon. Gentleman, who was interested in these claims, more from a sense of their justice, he was sure, than from any personal interest he had in the matter, was aware of what had taken place on the subject between the British Government and the French government. The feelings of the British Government had been conveyed to the government of France in the ordinary diplomatic manner, and it was much better that they should be expressed in that way than through the medium of speeches. He would be very sorry to give an opinion, or express any feeling, which was likely to throw an impediment in the way of the amicable settlement of these long-pending claims. He entertained a confident hope that a great country like France, animated by a sense of justice and jealousy of the national honour, would feel it incumbent on it to make a speedy adjustment of the claims. He would not say more on the subject. He thought the hon. Member had exercised a sound discretion in putting a question only, and not making a distinct motion. He trusted, however, that the hon. Gentleman would not construe the forbearance and moderation with which he had spoken on this question into any indifference as to the importance of the subject.

Mr. *Divett* said, he should be quite content with the statement of the right hon. Baronet on the assurance that the subject should not be allowed to stop, but would be followed up by the Government.

Sir *R. Peel* said, that within the last few days, a communication had been forwarded to the French government the presentation of which had been only postponed by the lamentable event which had afflicted the royal family of France, and which, whatever feelings of jealousy the French people might entertain towards this country, had excited the deepest sympathy of the British people. He was sure, that the British House of Commons would respond to the expression of deep regret for the dreadful misfortune which had befallen the royal family and the people of France.

COMMON LAW COURTS (IRELAND).] The *Chancellor of the Exchequer* said, that the Common-law Courts (Ireland) Bill was a measure of great importance, involving the interests of a great number of persons, a proper inquiry into whose cases would require communication with the authorities in Ireland. In the present state of the business of the House, and the importance of giving a full consideration to the subject, he found it impossible that this inquiry could be gone into this Session, or the bill proceeded with. But he also wished to give notice that, at the commencement of the next Session, he should certainly renew a bill that would give effect to the provisions of the present one, in order to ensure that saving of expense which, he was sure, would be the ultimate result.

Order of the Day discharged.

EXPLANATION — DEPUTATIONS TO MINISTERS.] Mr. *Fielden* wished to put a question to the right hon. Baronet opposite (Sir J. Graham) relative to a report in the *Morning Chronicle* of yesterday (Wednesday), of an interview of the delegates from the great manufacturing towns with the right hon. Baronet. In that report, the right hon. Baronet was made to quote him (Mr. Fielden) as an authority for a statement that the improved machinery had thrown out of employment 35 per cent of the hands formerly employed in the mills where it had been adopted. He wished to ask the right hon. Baronet whether he had really made such a statement? And if so, he wished to know to what speech of his the right hon. Baronet had referred?

Sir *J. Graham* said, that he must protest against being made responsible for anything contained in reports of the kind referred to, and if such reports continued to be published from *ex parte* statements drawn up from the mere recollection of the parties themselves, confidential, he might almost say familiar, intercourse which at present took place between deputations from the country and the Ministers of the Crown must necessarily be destroyed, and it would be the duty of Ministers, in their interviews with such bodies, to preserve a rigid, he might almost say a sullen silence. The hon. Gentleman said, that he (Sir J. Graham) had misrepresented him. He (Sir J. Graham) had certainly asked a question of the deputation relative to the introduction of machinery into the cotton manufactories of late years, and as to the effects produced by that introduction. He had certainly asked such a question, and if he recollected rightly, he had heard the hon. Member for Oldham state, in his place in Parliament, that within the last five years, new machinery had been introduced into the cotton manufacture, the effect of which had been to diminish the employment of manual labour 30 per cent, and that, consequently, manual labour had been displaced to that extent. He had asked the gentlemen of the deputation if they agreed with the statement of the hon. Member for Oldham. The deputation stated that they differed from the hon. Gentleman in opinion. He (Sir J. Graham) had stated to the best of his recollection what had passed. If the hon. Gentleman asked him to what particular debate he referred as the one in which the hon. Member had made that statement, he would admit that he could not refer to the particular debate, but he had a strong impression on his mind that the hon. Member had made some such statement in his place in Parliament. If the hon. Member contradicted him, he was bound to bow to the hon. Member's more perfect recollection, but he certainly had asked the question *bonâ fide*, under the impression that the hon. Gentleman had made such a statement.

Mr. *Fielden* had no recollection of ever having made any such a statement, either in the House or out of the House. It was impossible he could have done so, because such a statement would be at variance with the fact, and with everything he had either spoken or written on the subject. In proof of this he would refer the right hon. Secretary to the form of a petition he had drawn up in 1841, when it was expected there would be further legislation on the factory question, and a copy of which, with other papers, he placed in the hands of the right hon. Baronet the First Lord of the Treasury, when he honoured him with an interview in October last. In that document he had stated that in 1840, as compared with 1835; in the county of Lancaster the increase of turning machinery was 53½ per cent.; the increase of the consumption of cotton 44 per cent.; and the increase of the number of hands employed in the factories only 21 per cent.

Sir *R. Peel* could confirm what the hon. Gentleman (Mr. Fielden) had stated, as it was consistent with what he had said in October last. He protested against the course pursued in reporting those interviews, and, as far as he was concerned, he must altogether deny the accuracy of the report. He thought that if such reports were published, Ministers would be justified on future occasions in refusing any such interviews. It was rather hard that, after giving two hours of patient attention to the deputation, he should be made responsible for a report, which was totally inaccurate in the general impression it conveyed.

MASTERS OF MERCHANT SHIPS.] Captain *Fitzroy* rose to move for leave to bring in a bill to require and regulate the examination of all persons who wished to become masters or chief mates of merchant vessels. He would remind the House in the first place of what was the present condition of our mercantile marine? Since the peace, our merchant vessels had increased exceedingly in number. The cessation of war had been followed by the spread of our shipping over every part of the globe. During the war the merchant vessels of this country sailed in convoys, or in companies of two or three. At present they found them bearing singly to every quarter of the globe, and it became additionally necessary to ascertain the qualifications of the commanders. The East India Company's marine was the last mercantile establishment in which an examination of officers was insisted upon. In our immense mercantile marine, numbering upwards of 20,000 vessels of upwards of fifty tons burden, there was no examination of any kind with respect to the qualification of officers; and however able and trustworthy the majority of commanders might be, there were too many instances in which the indignation of Englishmen was roused at the conduct of those who were entrusted with the command of vessels. He hoped that in a future Session the attention of the Government would be directed to the subject. His present object was to introduce a measure which had been prepared by a great number of practical and experienced persons connected with the shipping interests. He would remind the House that one of the most marked recommendations in the report of the committee which had sat in 1836, for the purpose of investigating the causes of shipwreck, was the recommendation that boards should be constituted for the examination of officers in the merchant service. It might be thought, perhaps, by some, that it was sufficient if the ship-owner or merchant himself was satisfied with the commander's capacity; but let the House bear in mind, that passengers who went out in ships, and the country generally, were interested in the capabilities and qualifications of captains of vessels. The length of a passage depended almost entirely upon the judgment, skill in navigation, and practical seamanship of the captain; and from the time the vessel left the shores of our country until its arrival in a foreign port, the lives of all on board were in his hands. He once met a ship in the Pacific Ocean which was six or seven degrees out of her longitude, and upon his asking the captain how it was, he replied, "Why, Sir, we do not come here to navigate; we come here to fish." His plan was, that there should be a certain number of boards of examiners, say ten, in the principal ports of Great Britain, the principal being in London, two in Scotland, two in Ireland, and the rest in the chief ports of England. He proposed that these boards should consist of four examiners in London and three elsewhere; that there should be a principal examiner and secretary, who should have the chief executive management of the whole system, assisted by the corporation of the Trinity House on practical nautical matters, but subject to the control of the Board of Trade; that the examiners of the different boards should be all practical seamen, chosen by the shipowners of each district, the whole coast being divided into districts for the purpose, and that in order to combine practical experience the men thus selected should have been in command in the merchant service for a certain number of years, one of the three in the southern hemisphere or distant parts of the world, another chiefly in coasting, and the third in the navigation of steam-vessels. He proposed that the expense of the boards should be defrayed by moderate fees to be paid by each officer examined on receiving his certificate of qualification. That masters who paid 3*l.* and mates who paid 30*s.* for their certificates, should thenceforth be entitled to go to any part of the world; and that the masters of ordinary coasters should pay 2*l.* and mates 1*l.* These fees, which would not be repeated, were considered as by no means exorbitant by persons conversant with the subject, inasmuch as pilots round the coast paid from two to three guineas annually for their licences. It was not proposed to interfere with masters or mates of merchant vessels now in employment, or who might have been employed six months previous to the passing of the act. They would only be required to furnish themselves with a certificate of exemption, for which they would have to pay, masters 10*s.* and mates 5*s.* These small fees were intended to cover the expense, for small as they were, when the House considered the number of ships of fifty tons (which were alone intended to be subjected to the provisions of the act), they would see that the sum received would be amply sufficient to pay the expenses of the examiners. He proposed that three-fourths of the receipts of each board should be appropriated to its own use, and the other one-fourth be transmitted to the central board. He thought the examiners would be found desirous of the appointment, not so much for the salary, as the distinction among their class it would confer. Thanking the House for the patience with which they had heard him, he would ask leave to bring in the bill, not, however, with a view of pressing it forward this Session, but in order that it might be printed and circulated in the country during the recess, and thus enable the House to collect any objections that might be urged against it.

Mr. *A. Chapman* seconded the motion, at the same time he declined to pledge himself to all the details of his hon. and gallant Friend's measure. He was glad the subject had been brought before the House, and it could not be in better hands than those of his hon. and gallant Friend.

Mr. *Gladstone* felt glad that his hon. and gallant Friend the Member for Durham had directed his mind to this subject, and he quite concurred in the wisdom of the course which his hon. and gallant Friend had adopted. There was a strong desire that some such measure as the present should be passed into a law; but it was also true that there were great differences of opinion among ship-owners as to the details of such a measure, all which would require grave consideration, before

Parliament could proceed to legislate. The subject had been brought under the consideration of the Board of Trade, but he felt that the matter was not ripe for legislation, and he had also felt that, although there were means of communicating with insurance offices and ship-owners, yet that there was another class, namely, the ship masters and mates themselves, whom he could not so readily communicate with, and who would require to see the provisions of the bill. He, therefore, approved of the course adopted by his hon. and gallant Friend in merely introducing the bill, so that it might be printed for the perusal of the parties interested during the recess. They would thus receive suggestions from all the parties concerned, and might proceed with the matter next Session with the hope of effecting something beneficial.

Sir *T. Troubridge* would not oppose the present motion, as he thought that, after the statement of the Vice-President of the Board of Trade, the measure was quite safe in the hands of the Government.

Mr. *Hume* thought if the masters and other officers of ships were to be examined, it might become a question whether engineers entrusted, in their office, with the lives of her Majesty's subjects, should not be examined also. He was unwilling to consent to any measure that would fetter the private industry of individuals; but he thought if a measure of this kind was to be adopted, it ought to be undertaken by the Government. He did not think the House would be warranted to allow a private Member to carry a measure involving interests of so much importance.

Sir *G. Cockburn* said, that this was a very large and difficult question. He thought it would be necessary to go very fully into the question before that House determined on any legislation on the subject. He thought that his hon. and gallant Friend who introduced the bill had taken the proper course with respect to his measure.

Leave given.

ELECTION PROCEEDINGS.] Mr. *Roebuck* rose for the purpose of calling the attention of the House to certain resolutions founded on the report of the Election Proceedings Committee. I should have been glad, the hon. Member said, if I could possibly have escaped from the necessity of bringing forward the motion of which I have given notice; but it is absolutely necessary, after the course which has been taken by the House, that some step should be taken, in consequence of that inquiry, which was originated by myself. I stated some time ago, that I had heard certain rumours respecting various individuals, Members of this House. The House believed that statement to be so extraordinary, and of so remarkable and important a character, that it appointed a committee to inquire whether those assertions were correct; and it further-more passed a bill, giving some extraordinary powers to that committee by which they might be enabled to pursue their investigations. Believing, therefore, that the House would not have taken that course unless it had conceived the inquiry to be important, I felt that when the inquiry came to an end I could not shrink from the necessary duty of now solemnly asking the House to deliver its opinion, ay or no, on the accuracy of the statements I then made, and to declare whether I have not made out those statements which some weeks ago I made in my place as a Member, and for the purpose, if I have made out those statements, of giving the House an opportunity of determining whether it is willing to rest contented with those assertions, and not to proceed further in the matter for the object of protecting the honour and dignity of the House. When I made those statements much surprise was manifested by various parties and great exceptions were taken to the mode I pursued, and various assertions were made respecting it. It was said, first, that the statements I made were slanders on hon. Members, and some hon. Members came down to the House with language on their lips very much to this effect, that they were slanders. The House now knows whether those statements were correct or not. There were others who said, "Certain it is that what you state is altogether true, but it is not new, all the world knows it, the thing is done every day." But the House did not take that view of the subject. The House seemed to think that the statements were very serious, and very much compromised the dignity and character of the House, and that they ought to be inquired into. They were inquired into. Now let me call to the recollection of the House, first, the statements made; next, let me very succintly state the proofs of them laid before the committee; and, then, let me ask the House whether any course can be pursued better than that which I am now about to submit to the House, and I submit with a due consideration for the parties interested, as well as with a deep concern for the honour and dignity of the House. I came down to the House, and in five separate cases asserted that "I had heard and believed" that compromises had been entered into in the case of election petitions, by which those petitions were withdrawn from the consideration of the committees which were about to be appointed or had been appointed to try them,—withdrawn in consequence of a fear on the part of parties sitting in that House that bribery would be proved against them; and that thereby the consideration of the bribery was withdrawn from the committees, and public justice defeated. I stated, first, in the case of Harwich, that a compromise had been made; that a sum of money had been deposited; and that one of the hon. Members for that borough had agreed to vacate his seat. I remember the tone of offended virtue in which the hon. and gallant Member for Harwich repelled the charge. I was almost startled by the dignified attitude assumed by the hon. and gallant Member; for not content with a simple negation, he went further, and began to make charges in return. Those charges were then neglected, as they ought to be, and I now pass them by with the consideration they deserve. But were not the facts I stated proved? Did not the hon. Member for Harwich—I am obliged to distinguish him by name, for I have no other means of doing so—did not Mr. Attwood agree to pay 2,500*l.*, as he said, out and out, in order to withdraw from the election committee the investigation then about to take place before it; and did not the other Member for Harwich, the hon. and gallant Member, agree to withdraw himself at a certain date from his seat in Parliament by accepting the Chiltern Hundreds? Both of these facts have been proved, and they constitute the charge made. I was met at the time I brought this matter under the notice of the House by much anger, and hostility, I had almost said vituperative hostility; but I believe, that the hon. Gentlemen concerned, many of them, were unwittingly and unwillingly the victims of the vicious system we did well to lay bare, though with no other feeling whatever except that of consideration and sympathy, for those hon. Members who had been made the victims of the system. I am exceedingly desirous in all I say, not to express in the slightest degree any feeling against any of them, for most of them, with some slight exceptions, have come forward in the most candid manner, and in the fairest and most open spirit have laid before the committee evidence, which could hardly have been obtained except from their voluntarily coming forward. If they have been made victims of this system, and have done wrong under it, I say they have more than justified themselves by coming forward, and giving to the House and the country, that evidence by which a full conception of the evil can be obtained, and which will enable the House to legislate to prevent it. I, therefore, entreat the House to believe, that as far as individuals are concerned, I have no feeling whatever of hostility against them. The resolutions which I am about to lay before the House, are of a prospective nature—they have no retrospective operation, but are intended to regulate the future. They make no mention of the names of individuals; and they pass no more blame on these transactions than is absolutely necessary to enable the House to provide against future mischief. Then, Sir, if I were to run through from Harwich to Nottingham, Lewes and Reading to Falmouth, I must say, that in each case I have made the same statements, and in each case the same proofs have been laid before the House. I do not believe, there is one man who has looked at that report in the slightest manner, but must say, that every word uttered by me in my place here in Parliament has been justified by the evidence that has been laid before the House; that I have not exaggerated one tittle of what I stated. I have proved fully all my asseverations, and I have proved much more. Now let me ask what has been proved? I may be met, I know, after what has been stated by the hon. Member for Oxford—for from the statement of that hon. Member last night, he does not seem to consider that what was stated to have taken place was such a sin, and he has always been the first champion of the parties against my motion,—he may say—" Now, all we have proved is really nothing; there is nothing that the House of Commons can consider as derogating from its dignity;" but I appeal from the hon. Member to the people of this country, and I know not what the people are to believe, if we are to buy poor voters by any means that may degrade, debauch, and destroy them, and afterwards shield ourselves by some technical quibbles. I would ask, whether the really thinking or honest people of this country, would consider that conduct honourable to ourselves or beneficial to the country? I believe they would say, the grand, the chief criminal in all these cases, is the briber. How can we expect morality in the people unless those who are in high places in this country have an exalted morality? And if those who represent learned bodies and dignified persons exhibit a corrupt morality, we shall have a corrupt people. No matter how great may be his ability—no matter how long standing the reputation of any hon. Member, I should be the first to brand with my fiercest indignation that system, and the base, malignant, and corrupt morality of him who practised it. He who bribes is the great criminal. Down goes the rich man with his purse to some constituency; he finds a man pressed with want, having a family at home, earning by the sweat of his brow a small pittance, and to him comes a fiend in the shape of a candidate, and offers to him to sell his conscience for a bribe, and the man excepts the base and corrupt offer. Let us have an exalted morality, and we shall have a virtuous people; but let us refine away the difficulty, let us call it yielding to the necessary result of circumstances under which we are labouring, and say, that these people do not think it a sin; but if we are content to bribe, let us have no bribery laws — let us have no hypocrisy. There is far too much of this. We make laws to put down bribery, we pass the whole night from five o'clock to one o'clock discussing a Bribery Bill, and yet to-morrow he who is most careful among us, who is of most intact reputation, will go down and bribe the first constituency that offers. That is a far greater crime on our part than anything that is practised by the unfortunate constituency. The conduct of this House, from beginning to end, in the business of bribery has been of a most base and detestable description. We pass hours, knowing all the while we don't intend to effect the purposes we have in view. We pretend to a sanctity that we do not possess. We are—I must use the word—it is the most correct—we are, or have been hitherto a band of hypocrites concerning bribery. I stated, that there were five separate cases of the grossest bribery, and at the same time of the most flagrant breach of the ordinary rules of law to escape from the detection of that bribery. How was I met? It was said, "You are telling us nothing new. Why are you in such a fuss? Why is there this great stir about what we all know? When you go into the lobby, every man will laugh under your nose. What will you do with your committee or your bill? We wish you joy of your inquiries;" and, if it was repeated once, it was repeated a thousand times, that the House would throw me overboard, and that the right hon. Gentleman at the head of the Government would never stand by me. I ask, what has been the result? I am not in the habit of paying any man compliments, but I thank the right hon. Gentleman for having stood by me. If he had not done so, I never should have got through the inquiry. He does not want my applause, but he deserves that of his country. In spite of all the manifest interests pressing on all sides, he did stand by me in this inquiry, and we have now got before the world what we have never had before—the undoubted evidence and proof of a base, degrading, and vicious system. I said before, that I think the parties who were most pained by the inquiries were the most willing to expose this system. I do not wish to mix up personal considerations in the matter, and therefore, let us turn our eyes not for one moment to the past, but let us look to the future, and see if we cannot find some remedy for the evil. What has been done? Bribery in every possible shape has been committed. Now, there is one part of this which I am slow to touch upon, but I am obliged to do so for the purpose of exposing the system. An hon. Gentleman goes with 5,000*l*., it may be 6,000*l*., in his pocket, to a constituency of 100 persons. He goes to an hon. and gallant Friend and says, "I want to have no bribery; I must know nothing about it. We must get an intermediate man, for my eyes are of so delicate a texture, my sensibilities are so nice, and my honour so peculiarly refined as to bribery, that I must beg you not to say one word upon the subject, but return me Member for this borough, and don't let me know what means are adopted. How the 6,000*l.* goes, for God's sake, don't let me know, but return me Member for the borough." We know it is correct as far as regards the actual fact, and on any opposition no doubt the person will say, "I don't know whether there was bribery in this case;" but I ask whether, as an honest man, in the ordinary business of life, it is possible for him not to know? Is it not clear as the sun at noonday shining without a cloud, that he must know that the sum of 6,000*l.* put into a banker's conduit pipe, and which would descend, perhaps, to some smaller conduit pipes, and percolate through the whole constituency, must be applied in the grossest and basest bribery? As he walked along the streets and passed the beer-houses he might see his colours there, but he would know nothing about it. If you asked him he would say, "I have no doubt the beer-houses are open, and that so large a sum of money must be employed in that way, but if you ask me I know nothing about it—I am not cognizant of bribery." I ask you is not that just as wrong (I am not looking now to the past, but to the future), as openly, avowedly, and barefacedly to admit bribery, though it be not practised with his own hands? By the late law there was a pretty safe way of proceeding, but I am glad to say that the result of this inquiry is, that the present law, passed last year, I believe, by the noble Lord, the Member for London, has had an immense effect in bringing to light all this detestable system. But shall we, after having been so fortunate in one attempt, not proceed further? I hope that that bribery bill that was discussed last night, shorn as it is of what I consider the best part of its enactments, and from what I think were the over-technical objections of the learned Solicitor-general—yet, shorn as it is, I hope that it may still be a great benefit: and if we go on in the course we are now pursuing, not checked by the hon. Member for Oxford, who said last night, that he did not consider bribery was a very great sin—

Sir *R. Inglis* said, that as the hon. and learned Member had twice referred to what he had stated on a former occasion, he felt that the House would excuse him if he were to explain what he did say. The hon. and learned Member had misapprehended what he had said. He said, that he thought that the course of the last six or eight weeks indicated a feeling on the part of too many in that House that bribery was the concentrated essence of all crime, and that next to that offence the compromising an inquiry into it was the greatest of all iniquities. But, at the same time, he distinctly stated that he regarded bribery as a sin.

Mr. *Roebuck:* I was misled, I suppose, by my incorrect recollection of what I had read; but still, though the hon. Member puts it in the form he does now, there is that sort of term given to the system, that it is not the concentrated essence of sin. Why, nobody thought that it was; nobody in the House said that it was; but that is a sort of calculating phraseology that I do not understand. Now, I don't look at it as anything like murder; but I ask this—is it a thing to be put down, or is it not? That is the question. Is it mischievous, or is it not? If it be, let us see if we cannot prevent it. Don't let us talk of its being this thing or that; of its being the concentrated essence of sin; or use any other wild phraseology; but is it not a matter that this House ought to take into consideration, for the purpose of putting an end to it. That is the simple straightforward matter of inquiry. And if it be, what becomes of the vast farrago that has been hurled at me? I want to know why we should quarrel about names, and not join together to put it down? Let us see, then, what we can do to put an end to the mischief. There is but one more argument, one to which I have given every possible attention. I mean the argument of parties who assign as a reason, that having attained their fair and legitimate object, they are terrified at the expenditure, and therefore the petition is no further prosecuted. I am the first to admit that argument; and I think it is the duty of this House, when such a statement is made by persons in such circumstances, to step forward and relieve persons who are in that position; but then the House should say, "True, you are not called upon to make a sacrifice of your whole fortune and means, but we do say, you should not by your conduct withdraw others from due inquiry." And I hope, from the bill of yesterday, we may have, if not a new tribunal, yet a new and subsequent inquiry to ascertain whether the nation have not a right to go further and say, that punishment shall follow the offence. I give all due weight to that argument of the expense, but I must not be turned aside by any view as to that expenditure from other con siderations ;that though there may be expense, there may, nevertheless, be other reasons, viz., the terror of investigation and the fear of exposure of the consequences of inquiry. In every case that has been before the House of the five I have mentioned, I have carefully abstained from considering at the present moment that other case which the House ordered us to take into our consideration, viz. that of Bridport, upon which I shall have to say a few words before I conclude—but in every one of those five cases the retiring party was afraid of the inquiry, not simply in consequence of exposure, but of his own acts being discovered. As to Harwich, the hon. Member had nothing to do with the election. He did not pay any part of the money—he was taken by his friend, and played the part of a second candidate; but the real party having learned that bribery would be proved paid 2,000*l.* to prevent that inquiry, and the agent employed in the election was so strongly impressed with a dread of that inquiry, that he advanced 500*l.* more; and at this moment 2,500*l.* has been paid to get rid of that inquiry; viz., 2,000*l.* by Mr. Attwood, and 500*l.* by the agent. The hon. Member sitting opposite did not know what was going on at the election, and therefore he retires—gracefully retires—and his Colleague pays the money, and keeps his seat. If there be a case among the whole five in which I can safely say there is no proof of bribery, it would be Reading. But is it not a remarkable thing that a person like the hon. Member for Reading should agree, with his own hand, to pay 2,000*l.*, if the person who was to stand was not elected; and at the same time he says he knew he could not be elected; therefore he must have undertaken to pay for that which was certain, viz. the non-election of the party who was to receive it. That clearly shows to my mind that the thing dreaded was inquiry; and though he may say, there was the expense and the danger of this, that, and t' other, and that the hon. Member must sacrifice his Colleague, or pay the 2,000*l.*, and insure a quiet seat for the next five or six years, that won't do for the country. It is clear as noon day that hon. Members were terrified at the inquiry. Then, I say, is it not right, under these circumstances, so different from that of mere expense, that the House should come forward and say in all cases such as this it would deem it a proceeding such as I have described a great violation of the rights of the people, and a gross breach of the privileges of this House? Let us look to the violation of the rights of the people, for we think nothing of them, and much of ourselves. Take the case of Lewes, where a person was placed at the head of the poll who stood third on the list. How was that done? It was done by what I think one of the witnesses called the shuttlecocking of voters. One party said to the other, "We shall say, 'Jack Nokes has no vote,' and you shall say, 'Tom Styles has no vote,' so that we shall knock down one after another until Mr. —— is placed at the head of the poll," and thus the poor voters were struck off the list. That is what we have done with the franchise. Why, if you can get a counsel to come down and say, "It is very true: we did not believe a word of what the witnesses said, and the hon. Member for —— shall retain his seat," he having made an arrangement five weeks before that he should retain his seat until the 1st of July, is it not dealing with the constituency as if they were nothing? If they had been bribed let us know it; but don't proceed in this manner and do as you like for your own benefit. I say it is the business of this House to consider the interests of the nation, and the great privileges of this House, and that we ought to deem any such proceedings a gross violation of those interests and privileges. It has been said that I wished to bring this House into contempt. That was not my object; I wished to bring into contempt a bad system. I do not care if the House is affected by it. If the House be elected by a bad system, that is not my fault. I cannot help it; but its consequences I will pursue wherever I find them. What will the world abroad think when it finds men who in private life are unimpeachable men (on both sides of the House) whom you would trust with untold gold, going down, and for mere party purposes, debasing, debauching, destroying whole constituencies—and not whole constituencies merely, but whole towns—a gentleman rushing down to Nottingham with 10,000*l.*, spreading drunkenness, and riot, and terror, and every species of immorality,—demoralizing under some specious pretences a whole community, just when a constituency are about to undertake the grave, the solemn business, of returning Members to represent them in the great council of the nation,—he goes down to debase and debauch them, sowing the seeds of every species of immorality among them—I ask, what will be thought by the virtuous portion of mankind of such proceedings if we pass them by with contemptuous indifference? Things are now come to that crisis when they can go on so no longer. Though it may happen that such parties as I have described may be in the habit of throwing seeds of defilement among the people, the people do not take their morality from any such roots. Our's are still a virtuous people, and not to be misled by any of the selfish sophistries of such persons. They see the immorality of all this, and they despise those who take advantage of it; and we, if we allow such proceedings, shall lose all our honour, and power, and dignity. If we would retain our power, we must govern the people by influencing their wills—not by their fears; by leading them in love and in respect. Their love, however, will be converted into hatred—their respect into contempt; if, after the scenes which have been described, and the terrible immorality they involved, we do nothing effectual to prevent their recurrence. Sir, I have purposely avoided all detailed dissection of the evidence. I have said enough, however, I trust, first (which is the minor point), to complete my own justification, and next, to support the propositions I have ventured to present. I have now to ask whether it would be wise, under the peculiar circumstances of this case, to issue writs to the five towns included in the original reference to the committee before we have further safeguards for the protection of the voter? I put it in that form designedly. I want no protection for the candidates—they can protect themselves; I demand it for the voter, against a system which necessarily drives him into guilt. Is there any protection in such a case as Nottingham, for instance, that the scenes described in that extraordinary evidence would not be repeated at a fresh election under the present system? Pass a better bill, provide greater safeguards, and then issue your writs; but at present, for the honour and dignity of the House, and to preserve the good opinion of the world, do not issue the writ. I wished to have left the matter here; but the House devolved an inquiry on the committee as to the case of Bridport. I knew nothing of the case, therefore was obliged to have recourse to others to carry on the investigation. I thought we should have received every assistance from the hon. Members, We did receive every aid from one of them, bu from the other, and he was most forward, too, in urging the committee, we received every possible obstruction and difficulty, by himself or his agents. I mention this to the House to exculpate the committee. We thought if we attained the object the House had in view, and learned the main facts of the case, we should do all the House wished us to do, and therefore we passed by all considerations of what might otherwise have been deemed infringements of the privileges of the House. Having, then, proved fully to our satisfaction the case against that Gentleman, we have reported, as to him, what we believe firmly to be true, and he stands, though silent, as guilty as the rest. I now most sincerely move the resolutions on the paper, and first,

> "That the compromises of election petitions, as brought to the knowledge of this House by the report of the committee on election proceedings, must, if for the future they be allowed to pass without punishment or censure, tend to bring this House into contempt with the people, and thereby seriously to diminish its power and authority."

Mr. *Russell* said, so long as his own conduct had been under the investigation of the committee, he had scrupulously abstained from making any charges or complaints. When the hon. Member for Bath had thought fit to interrogate him as to whether he had been a party to certain transactions characterized by the learned Member as "corrupt," he had certainly refused to answer; not that he had entertained the slightest reluctance to give every information to the House, but because he thought that the only course, consistent with his own independence, was peremptorily to decline answering a question which the right hon. Gentleman in the Chair had since declared there had been neither precedent nor privilege for putting, and he felt that he should have abandoned his duty, not so much to himself as to the House, if he had submitted to so gross a breach of decency and order. But though he had refused to submit himself to the interrogation of the learned

Gentleman, he had offered no opposition to the appointment of the committee, nor had he taken any part in the debates which had since arisen on the subject, or given a single vote which by the remotest analogy could be considered to bear upon it. He had offered no obstruction to the inquiries of the committee; not that he would be deemed to have acquiesced in the propriety or justice of its appointment, but because he would not be thought to shrink from the fullest scrutiny into his conduct, and because he felt that as a Member of that House he was bound to defer to its decisions and submit to its authority. But now that the report of the committee had been produced, now that his whole conduct had been laid bare, he felt that he was entitled to enter his solemn and deliberate protest against these most unjust and unprecedented proceedings. He felt that this was a duty he owed to his constituents, to resist any resolutions founded on such proceedings for placing under the ban of the learned Member for Bath, with a view to the suspension of their elective rights, six constituent bodies of this kingdom. He asked, in the first place, what should have been the constitution of a committee to whom was to be intrusted an investigation like this, involving the characters of so many persons, and, perhaps, the elective rights of so many constituencies? For years Parliament had been engaged in framing a tribunal for trying controverted elections, divesting it by every possible means of all political character or party influence, and prescribing by law its proceedings; yet with all this prudence and forethought they had failed to accomplish their object, and had acceded to the appointment of a committee at the bare suggestion of the learned Member for Bath, under the pressure of the greatest excitement, both in and out of those walls, a committee singularly marked by the strong political opinions of some of its members, unsworn to do impartial justice, incompetent to swear others to the truth of their testimony, ungoverned and unrestrained in all its proceedings, and exercising powers calculated to arouse the alarm and awaken the indignation of the entire nation. I ask, (continued the hon. Gentleman), I ask, too, was the learned Member for Bath the fittest person to whom to intrust the care of such an investigation? Did he not sell his Parliamentary services for money? [Mr. *Roebuck*: I did not.] Did he not sit in this House as the paid agent of a rebel colony?

Mr. *Roebuck*: Sir, I rise to order. The imputation against me is that I sold my Parliamentary services to a rebel colony. Now, whoever told the hon. Member that, uttered a falsehood.

Mr. *Russell*: It was certainly universally believed; but however, if the learned Gentleman declares it to be untrue, I withdraw the statement. It was universally stated, when Canada was in rebellion, that the learned Gentleman, for money, became the advocate of Canada in this House. [Mr. *Roebuck*: "I was not a Member of the House at that time."] At all events, if I understand the learned Gentleman—[Mr. *Roebuck*: "If"]—If I understand the learned Gentleman to deny the statement, I willingly withdraw it. He must say a word of the singular powers which had been confided to the committee. It was to draw nice distinctions to say that it was not a judicial committee; it certainly was not so as to the power of inflicting punishments, but it was as to placing in jeopardy that which was of most value to any man—his character. The language used by the learned Member had been, "I charge you with bribery, and I will crucify you before the House and the country." Whatever the ultimate result of that committee, all those evils had been already suffered by its victims which arose from inculpation of character, from being "crucified" (the learned Gentleman had not unaptly called it) before the House and the country, from having extorted from their own lips what was calculated to prejudice their reputation. The learned Gentleman had constituted himself their accuser, and the House had, by a strange combination of offices, made him their judge. In that incongruous and anomalous character of accuser and judge, the learned Member had examined the parties accused. It was an old principle of the law of England that no man should be compelled to bear testimony against himself in criminal matters—a just and wise principle, which however had been utterly violated by this committee; before which the parties themselves had been examined, and been required to disclose confidential communications that might have passed between them and even their own counsel. Such was the monstrous violation of one principle of law. Again, it was a principle of the law of England to throw every possible protection around accused parties. All this protection had been cast away, and evidence had been encouraged against the accused by offers of impunity and indemnity to any witnesses, while the accused had been denied the fair reciprocal security of duly sworn testimony. To the accuser every facility had been given; from the accused every conceivable security had been withdrawn. Testimony, true or false, had been encouraged from everybody; but the parties accused had been deprived of the security arising from a power of prosecuting for perjury those who gave false evidence. But, worse than all, these proceedings had been conducted in secrecy. Moreover, there had been given to the accuser the advantage of collecting his testimony at leisure, of selecting his evidence, of extracting it in any mode which best suited his purpose, of arranging it, marshalling it, and shaping it as he pleased, and of publishing it as he liked; yet the parties accused had been precluded from knowing any facts stated, and had been prevented from confronting the witnesses against them—nay, had not even known the names of the witnesses till they had seen them published in the report. Was this the mode in which it had hitherto been customary to conduct such investigations! Indemnity had been offered, forsooth, to such as had condescended to answer the questions of the committee; but what indemnity could be given for injuring men's characters—for violating their feelings—for extorting from him a betrayal of confidence, and the consequent coolness or reproaches of friends. He frankly admitted the courtesy and consideration of the learned Gentleman and all of the Members of the committee during their proceedings; but the office the learned Gentleman had assumed was an odious one, which all his blandness could not divest of its disagreeable character. The learned Member was contented to hear from the lips of the parties accused the facts which were charged on them as corrupt, and if he had not sought further to invade their rights and to violate their feelings, they were probably as much indebted to his policy as to this courtesy; as the learned Gentleman knew full well that public sympathy would soon have been aroused in support of resistance, to the authority of the committee had such authority been urged too far. Were they then to deem themselves indebted to the learned Gentleman for his politic forbearance when they had suffered the violation of some of the most important rights inherent in Englishmen? And what, after all, had been accomplished by all these monstrous violations of principle? Could the House proceed on such evidence as had been thus collected and suspend the rights of one constituency? How much more had been done towards the attainment of their object than at the first commencement of the business? Certain compromises had been charged. Had the House been ever ignorant of them? Had not they been made the subject even of actions in courts of law? He now wished to put this question. How many hon. Members were there who felt that, considering the position in which they were placed, they would themselves be entitled to "cast the first stone?" He would not name parties on either side, he would not name persons, he would not name places, but this he would say, that there was no class of constituents in the country who could prove that they stood in the eyes of the community at large free from the influence of such an imputation as that which the committee sought to cast upon the Members, the candidates, and the constituencies which had been the subject of notice in the report now under the consideration of the House. It was quite true that at present not much was said about the prevalence of corrupt influence in counties, a circumstance which could very easily be accounted for by a reference to the fact that so great was the predominance of Conservative power throughout the kingdom that amongst the rural constituencies no serious attempts were made to oppose persons standing upon that interest. But no man in that House could have forgotten the profuse expenditure which, in past times, was incurred for the purpose of securing the representation of counties. It was well known that hundreds of thousands used to be expended on county contests at every general election. In proof of this he might refer to an observation often made, that the Catholic families were extremely wealthy, and that their advantages in this respect were to be accounted for by the fact that until very lately their ineligibility to serve in Parliament precluded them from wasting their substance in election contests. The expenses of those contests, from which Catholics had so long been shut out, were known to be so great that the largest patronage of the Crown was often exercised to compensate for the pecuniary inconvenience which they occasioned, and a peerage was often granted to repair the fortunes which a contested election had often seriously injured. Now, he would be glad to learn what difference there was between receiving a peerage and receiving a 10*l.* note, and why should a borough or a borough representative be more severely censured than a county or a county Member—or in what respect was a large constituency, such as the hon. Member for Bath represented, different, with reference to the question of bribery, from a small borough constituency? Were not the large constituencies bribed by promises and professions—promises, the non-performance of which spread so much discontent and disaffection throughout the great body of the people, and which had the effect of sending many of the dupes and victims of those promises to our penal colonies. He would submit to the House, then, whether there was not infinitely more danger and more criminality arising from the existing state of things in the counties and in the large constituencies than from the indirect influence of which the hon. Member for Bath so much complained in the smaller boroughs. Was it to be inferred from all this that he meant to say that bribery ought not to be punished? He maintained nothing of the sort. On the contrary, he would say, by all means let the law be improved—let the law be administered with the utmost rigour. Let not the House select five or six places—let them not point out eight or ten Members of that House—why should they be made the scape-goats, and others equally, if not more, culpable be allowed to escape with impunity? From this point he did not wish to pass to any new topic without thanking the hon. Baronet the Member for Oxford for the sound, statesman-like spirit with which he stood up against the utilitarian principles upon which it had been sought to discuss this question. He, like that hon. Baronet, was a strenuous advocate for purity of election; but he humbly apprehended that there were interests even higher than those which affected purity of election—there were interests of society more important—there were attributes of national character better worthy of preservation. He thought the time had not arrived when Englishmen would conduct an inquiry or trial in order to obtain a conviction. He did not believe that they were prepared to abandon those principles which they had hitherto held to be inviolable. He believed they would not overlook the fact, that that which to-day was innovation would to-morrow become precedent, and on the following day become law. Some of those recent innovations which he so much deprecated were on the point of becoming law, but he hoped and believed that such things were not necessary, and would eventally be repudiated by the good sense and justice of the House. He thought the time had at length arrived when the House of Commons would see the wisdom and the expediency of surrendering a privilege which they could not exercise with credit to themselves or with any advantage to the country. The judges of the land ought to be permitted to administer the ordinary laws in the usual way, and if they were permitted to do so, without interference on the part of the House of Commons, the results would be sufficient to satisfy individual justice, and to obtain for the proceedings of Parliament the confidence of the whole country.

Major *Beresford* said, that one of the objects of the hon. Member for Bath was to depreciate as effectually as he possibly could the moral character of the representative system of this country, and as much as possible to undervalue the characters both of Members and of constituencies, with a view of converting those proceedings into grounds for the introduction of further organic changes in the representation of the people in Parliament. He would not then trouble the House with any further remarks upon the general objects of the hon. Member's motion, but proceed at once to notice its bearing as regarded himself. When the hon. Member first brought this question under the consideration of the House, he put certain questions to him (Major Beresford) which he said the hon. Member had no right to ask, and which he therefore declined to answer. He would tell the hon. Member that if a committee were granted with powers as extensive and as stringent as those which were granted to the committee over which the hon. Member for Bath presided, he (Major Beresford) would prove before that committee the truth of every word that he had stated—every thing that he had stated he was ready to prove. The first day the matter came under consideration the hon. Member for Bath accused him of corruption, of bribery, and of treating. He now held the report of the committee in his hand, and he defied any one to show from that volume, or from any other species of evidence, that he had ever been guilty of anything of the sort He defied the hon. Member to show, from the questions and answers contained in the evidence appended to the report, that he had been guilty of anything bearing the least resemblance to the offences charged against him by the hon. Member for Bath. If then that hon. and learned Gentleman had failed to bring home those charges, nothing could be more unjust than for the hon. Member to say that he had not given proper answers; when he declared his willingness to go before the committee and give all the information in his power. The accusation involved compromise, bribery, and corruption. The manner in which that charge had been made out was to be seen from the report and the evidenee before the committee. This he was perfectly ready to admit—that he had agreed to retire. He thought that if any one ought to retire that person should be himself, seeing that another candidate, and not he, had borne the weight of the election expenses. He felt in his own breast the consciousness of being perfectly innocent. He knew that he had done nothing wrong; but if his having agreed to retire could fairly be considered a corrupt act, then he must plead guilty to that. He held in his hand the evidence of the committee, and he could find there no proof of the alleged corruption. At page 4 of the report it was stated, that—

> "Three petitions having been presented against the return of Mr. J. Attwood and Major Beresford, on the ground of bribery, treating, and corruption (see appendix A), a compromise was entered into by the agent of Mr. Attwood and Major Beresford on the one part, and the agent of Sir D. Le Marchant on the other; and that the arrangements so made by the agents were sanctioned and actea on by their principals."

He had already stated that he had agreed with Mr. Attwood to retire; he wrote a letter to Mr. Currie consenting so to do, and he would refer hon. Members to the question No. 221, in proof that he upon that occasion treated with Mr. Currie as the agent of Mr. Attwood. He gave his letter to Mr. Currie, but the letter was addressed to Mr. Attwood. The questions Nos. 278, 250, and 280 proved the same position. He held that he stood completely exonerated from any charge of compromise, and if further proof of that assertion were required, it would be found in Nos. 147 and 149. He would now state frankly the reason why he had agreed to give up his seat—it was, that he did not possess the means of defending it. No other feeling influenced him. He was not ashamed to aknowledge, that he was not a wealthy man, but he should be deeply ashamed of undertaking any expenses which he did not feel, that he could honestly and fairly discharge. He knew, that his opponents, though they might petition, could not successfully prosecute that petition—they dare not proceed with it, and even if they did, and that the election were declared void, he could secure his re-election. The hon. Member for Bath alleged that the evidence had shown, that Major Beresford and Mr. Attwood had both been guilty of compromise, of bribery, and of corruption, either by themselves or their agents. He believed it would now be acknowledged, by an actual reference to the evidence itself, that there was no foundation for such a charge. The next point to which he should advert was the statement made respecting a banker in Harwich, who had died since the election. His name had more than once been mentioned, and he, therefore, need not hesitate to say that the gentleman in question was Mr. Cox. He was a gentleman of education, of the most upright and honourable character, and a man also of considerable intellect—a man of whom he could very sincerely say, he was wholly incapable of such conduct as had been imputed to him in the course of these proceedings. Had the evidence gone into by the committee, and subsequently laid before the House, been obtained in the fair and open manner in which English inquiries were usually conducted, he felt quite assured that no imputation would have rested upon the fair fame of Mr. Cox; nor did he even now admit that any charge against that gentleman had been substantiated; and he could not refrain from saying, that it was hard and unfeeling to make this attack upon one no longer living, The inquiry, as he already observed, was not carried on in a fair and open manner. If it had not been carried on in secret, he would have taken especial pains to collect and bring forward evidence to negative the charges brought against Mr. Cox, and he felt quite assured that he would have had very little difficulty in giving to them the most complete and triumphant refutation; for had he known anything of what was going forward he could have produced documents to which he had access, and he might have produced witnesses from Harwich, whose testimony must have prevented so false a report from going forth to the country, one that cast a slur upon a character never before impeached, which planted a dagger in the bleeding breast of a young and interesting woman, likely soon to become a widowed mother. Proceeding to the other features of the report and of the evidence, he must notice some of its exaggerations. It stated, that a great portion of the electors of Harwich had been bribed—namely, that eighty had been bribed. Now, a large portion must, at least, mean more than half, while eighty were considerably less than half, the whole number being 182. The next accusation brought against one of the electors of Harwich, was contained in the evidence of Mr. Joseph Parkes, and the statement on the part of that gentleman was altogether gratuitous, for it related not to the last election, but to the election in 1837. The evidence of Mr. Parkes was in these words:—

> "I do know the fact of inordinate sums having been given; I saw enough of the case to prove that; and I knew the circumstances of former contests there, for there was an intention of petitioning in 1837 by Mr. Tower, and I knew that one man had had 500*l.* for the casting vote at the election. I knew it had been offered to Mr. Tower and refused by him, and that half the vote had been bought on each side for the two sitting Members, and I have reason to believe, that the man had 500*l.*"

Yet this statement, having no reference whatever to the proceedings at the last election was sent forth to the public by a committee directed to inquire into much more recent occurrences. At that election there had been three candidates who stood equal on the poll, namely, Mr, Herries, Captain Ellice, and Mr. Tower; the fourth candidate polled only sixty-six votes, while the first three polled seventy-four each. One elector only remained to give his vote, and upon his decision, the election must, of course, have turned. That individual was Mr. Runnicles. He was a retired officer under the Board of Customs, and, being fearful that he might draw upon himself the displeasure of that board, he was anxious altogether to avoid voting. All the electors in the town had been polled at half-past one o'clock, and Mr. Runnicles remained obdurate till nearly four, still declining to vote; he was then induced to support Mr. Herries and Captain Ellice. Mr. Runnicles thought, that by voting for both, he should avoid getting himself "into trouble," as it was called, and that he should also by that exercise of his franchise, conciliate for himself powerful support in the event of any unpleasant consequences arising from his vote. Besides, he thought, that by giving his vote to both candidates he would save all persons connected with the election from the trouble and annoyance of a scrutiny. He had just received a letter from Mr. Runnicles, dated the 24th of this month, in which that gentleman referred to the evidence of Mr. Parkes as a gross libel, expressing himself most anxious to repel so foul a charge; he announced his intention to call upon Mr. Parkes to give up the author of the charge; he professed himself ready to take his solemn oath before the House of Commons, that he was innocent of the offence implied in Mr. Parkes' evidence; that he had never seen Mr. Herries or Captain Ellice since the election; that nothing could be more unjust than the attack thus made upon his character, and that he was resolved that the matter should not rest there. He did not know whether the privileges of the House would take the statement to which he had been referring out of the operation of the law of libel—he did not know whether that which, if bound up in a white cover, must be regarded as a libel, would be called no libel being bound in blue; but he believed Mr. Runnicles to be a highly respectable man, and wholly incapable of the offence imputed to him in a report which libelled the living, and slandered the dead. It might remain to be quoted in future times as a glorious precedent by some Parliamentary speaker, more enamoured with the privileges of that House, than with the law of the land, and desirous to magnify those privileges of the constitution of the country. Rumours were spread through almost every club-room, which were known to be false by the persons in whose presence they were uttered; it was said that his opponent's own committee had voted against his opponent, when it was known that such was not the fact, and those who knew that, ought to have openly and manfully declared it. He was called a "*veni, vidi, vici* man;" yet he was at Harwich for fourteen days in constant communication with the 182 electors, while his adversary was there only twenty-four hours. He might have been denominated a "*veni vidi* man," but he thought that the "*vici*" belonged more to his opponent. All that had been said about the 6,300*l.* was equally false as other statements. It was not all gold that glistened; neither was every man guilty who had the misfortune to be calumniated.

Mr. *Fitzroy* said, that on the present occasion, he wished to use no expression that might seem disrepectful to the committee; he was prepared, indeed, to acknowledge the courtesy which they had evinced in the discharge of a very unpleasant duty, but there were misstatements in that report which he felt bound in self-defence to notice. The third of three items in that report, professing to set forth the terms of an agreement entered into by himself and his opponents, was this—

"That all actions and indictments preferred respecting conduct at the election, should on both sides be withdrawn."

Now, that statement was calculated to place his conduct in, at least, an hypothetical position, and, at all events, in a light different to that in which it really deserved to be regarded, because it would be imagined that there were cross-actions of sufficient importance, if not sufficient in number, to induce him for fear of the consequences to consent to a compromise. What was his answer to the question No. 1,140 which was put to him before the committee?—

"Any further particulars of the arrangement you knew nothing of, but they were reduced to writing?—There was no more arrangement, I imagine, but that Mr. Harford gave up, and, consequently, that I was to be seated, and after that, they said all cross-actions for bribery were to cease; now it so happened that there was no cross-action against us, for there was no proceeding except a writ, which they took good care not to put a name to, for they could not find one."

Then again at No. 1,154 he was asked,—

"You were cognizant that there was an arrangement to give up all the actions that were pending?—Yes. I do not know that if I had been consulted I should have made that agreement, if the arrangement had not been made. It was suggested after the whole thing was over. It was not suggested before the arrangement was made, but after whatever arrangement was made. And after what the counsel had done, whatever writing they had between them, it was as if they had forgotten, and they said, 'Of course, it is understood.' And I said then, 'That it must be so.'"

Now, he did not wish the House to depend upon his evidence alone. Mr. Parkes, in answer to the questions 1,054 and 1,055 stated the same thing. He was asked—

"1,054. Mr. Fitzroy was sitting between you and the counsel at the time this was going on, and was cognizant of all that was going on?—Yes; then after the undertaking was drawn up, when I had it in my hand, I said to Mr. Clarke, who stood at my right hand, 'Of course, it is understood that the usual indemnity is to be given by all parties, that we drop the actions that are pending.' I think there were actions pending for bribery on both sides, but I cannot speak correctly as to what they were; Mr. Briggs, who was concerned in them, is aware of them, 'and also an honourable understanding that there should be no actions brought.' and that was assented to by Mr. Clarke, that was verbal."

"1,055. Did Mr. Fitzroy assent to that?—I should be sorry to say, as a mere matter of opinion, that he heard it, because it was all in a hurry at the table, all of us together. He may or may not have heard that part of it. My own opinion would be, that he heard it, but I should be sorry to state, that this was particularly called to his attention. We were all four close together, and, I think, Mr. Clarke stood behind. I wish to be understood as not saying that that part of the arrangement was known to Mr. Fitzroy, or heard by him. I concluded that it was, but I do not know. I do not think that that was the agreement. It was verbal, and it was more a matter of honourable understanding between the agents. It was stated to the counsel also."

But he would go further; he would refer the House to the answer of Mr. Briggs, the lawyer of the opposing party, who stated the same thing in still stronger language than that of Mr. Parkes, at question No. 1,458—

"One item of it was, that all indictments and cross-actions for bribery should be dropped?—No, that was no part of the arrangement; the arrangement had been made before any suggestion took place about that; it formed afterwards part of the arrangement; it was not the basis of the agreement."

Now, after those statements which were made not by him, nor by parties in his interest, but by Mr. Parkes and Mr. Briggs, he must say, that the committee ought not to have placed his conduct in the invidious light in which it was made to stand by their report, leaving it to be inferred, that there were so many cross-actions against him for bribery, that through fear, he had entered into a compromise. What was the effect of Mr. Parke's evidence? At question 1,035 he was asked,—

> "Had you got up any counter cases of corruption, bribery, and treating in the election against the petition?—Yes, a very heavy case of retaliation was got up which I particularly instructed should be got up; I am not well-informed of the details of the retaliation case, because knowing, in all probability, that it would never be tried, and that it would, if tried, only be resorted to after the loss of the seats on my side, that is, after the decision of the committee against the return of the two sitting Members, I did not pay much attention to that class of the evidence, but it was all briefed in my hands."

The fact was, that two cases were got up against him by a man who was caught in the very act of bribing, and, in order to prevent him from taking proceedings against the man, a sham action was immediately commenced against him. He repeated his opinion, that the committee had dealt rather hardly with his character, in reporting that to be the basis of the agreement which was not proved by the evidence. He did not wish to cast any obloquy upon the committee; but he thought, it was rather strange that they did not examine either his London agent, who had the conduct of the petition, or his agent at Lewes, who was acquainted with the circumstances of the election. He did not accuse the committee of doing this intentionally, but the effect was to use him unfairly, and to place him in a worse light before the public than otherwise he would have been. Let hon. Members turn to the evidence at question 1,322, when Mr. Clarke, of the firm of Clarke, Fynmore, and Fladgate, solicitors, is asked,—

> "Were you yourself the member of the firm acting in the superintendence and conduct of that petition?"—Answer. "No I was not; I saw Mr. Fitzroy in the first instance, and as soon as it became necessary to go down to Lewes, my partner, Mr. Fladgate, went down."

At question No. 1,370, the same witness was asked,—

> "Do you happen to know whether there was any confidential brief respecting the nature of your own case, and which put counsel in possession of the dangerous parts of the case?"

That was an important question to him as bearing out his assertion in that House that he had never been guilty of any bribery. But what was the answer of Mr. Clarke, who was not his agent?

> "No, I think not."

Again, at question 1,375, he was asked,—

> "As far as you knew, there was no brief for the defence got up, stating what you supposed would be individual charges against your clients, and the defence upon them?"—Answer. "No, certainly not; I am quite confident in stating that there was not."

It was rather extraordinary conduct, he thought, to call for the partner of the firm who had managed the petition, and ask him about it, instead of the agent who was actually engaged. [Mr. *Hawes*: He saw the papers. Look at question 1,369. Mr. Fladgate gave him the briefs.] Exactly so; but that made his case stronger. The question No. 1,369 was—

> "Had you prepared any *bona fide* statement of the expenditure of Mr. Fitzroy and Lord Cantilupe?—I do not recollect any brief of that; but, as I before stated, Mr. Fladgate prepared the briefs, and he gave them to me to look at."

That implied that he was to act as a personal friend. But why did they not call the Lewes agent? [An hon. *Member*: You had no agent.] Not a legal agent. He had not employed a legal agent since 1835. He stated, that he had an agent at Lewes; and it would have been but fair if the committee had examined him respecting the statements made with regard to clubs, which were most extraordinary and erroneous, and were uncontradicted, because the inquiry had been carried on with closed doors. The present was the only opportunity afforded to hon. Members to contradict anything which had appeared in the blue book published by the committee, who refused to let those erroneous statements be rebutted at the time. After looking over the evidence of Mr. Parkes and Mr. Briggs, he thought every hon. Member who took an unbiassed view of that evidence must admit, that it was not fair to state that the basis of the agreement was a desire to evade certain charges of bribery. He was not aware of any such condition; and no such agreement could have been entered into by him, unless in a cursory or incidental manner. With respect to treating, he denied having given hot suppers, they had never been given since the Reform Bill; nothing more was allowed than customary — tobacco and beer at certain houses. He had explained this part of the subject before the committee.

Mr. *Escott* begged permission to state to the House his reasons for voting for the first two resolutions and against the last. No man in the House had a deeper sense of the evils of bribery, or more sincerely desired to put an end to it; but he had entirely disapproved of the mode in which the committee had conducted their inquiry, because, though he had a sincere desire to put an end to bribery, he wished to do it by what were considered fair and constitutional means. The object was a fair, upright, and good one; the means were contrary to all the acknowledged forms of English justice, and not necessary to the end the hon. and learned Member had in view. But he recollected that the question of the mode in which that committee were to conduct their inquiry, had been distinctly brought before the House on two or three occasions, and that every time that mode received the sanction of the House. On one occasion, a motion was made by an hon. Friend to put an end to the proceedings of the committee, and he voted for that motion, because he thought the mode in which they were conducting the inquiry mischievous and improper, and that it ought to be stopped at once. But a large majority of the House were of a different opinion, and sanctioned the continuance of the proceedings in the same way as before. On another occasion, he undertook to ask the hon. and learned Member whether he meant to continue the proceedings of that committee with closed doors, and particularly, whether the parties implicated were or were not to have notice, and be permitted to be present while evidence against them was taken? The hon. and learned Member stated at that time, that, as far as he could answer the question, the committee intended to proceed with the inquiry in the manner in which they had commenced it. The House did not support him on that occasion, and by not doing so, they again sanctioned the proceedings of the committee, and their manner of conducting them. That being the case, he now felt that he should not be justified in resisting the adoption of the first two of the resolutions proposed by the hon. and learned Gentleman, because he thought the mode in which the committee had collected the evidence was not a satisfactory mode. He must now take the evidence as he found it. He gave implicit credence, in the first place, to the declaration of the hon. and learned Gentleman, that he was able to prove his statements; in the next place, he did not disbelieve the evidence given, but he lamented that the committee had not pursued a constitutional mode to obtain it, because that would have given weight and an authority to the proceedings, which would have enhanced their value; but he did not blame the hon. and learned Member, whose conduct had been described by the hon. and learned Member for Cork as perfectly fair throughout. The committee did not wish the ordinary rules of evidence to be observed; they stated, and perhaps wisely, that they ought not to be adhered to in order to arrive at the truth. His opinion was the reverse; yet, the House having sanctioned that course. he was not the man to stand up there, having read the evidence and weighed all the circumstances, and say that the practices which appeared to have existed in certain late elections should be covered and screened, because he did not think the mode of taking the evidence which proved the existence of such practices altogether satisfactory. He should therefore vote for the first two resolutions. With regard to the case of his hon. Friend (Mr. Fitzroy), it appeared that his hon. Friend had compromised the petition when he had obtained what he wanted—the seat. That was not quite the case with respect to the other compromises; the other parties compromised to screen themselves from charges of bribery and corruption. He did not think his hon. Friend was cognizant of any transactions of that nature; indeed, there seemed to be nothing in the shape of treating even, except the beer and "backey." The gravest part of these charges of compromise was that which went to turn over the constituency to a party by whom they did not wish to be represented in Parliament. That was trifling with the rights of the electors of

England. Such proceedings demanded inquiry on the part of the House. With regard to the third resolution, he considered it an indefinite disfranchisement of the towns mentioned therein, and he doubted the right of the House to adopt any such proposition. What was their object? To punish the guilty, and prevent the parties in future from repeating those practices. But there were in those towns large bodies of the constituency who had not been bribed at all. Was there any evidence to show the contrary? Well, then, would they refuse to those who were uncorrupted the right to choose a representative in that House? It might seem like presumption and inconsistency in him to oppose the hon. and learned Member for Bath, after having admitted the propriety of his conduct in the committee, but he really could not tell what that hon. and learned Gentleman was about. How could he, with any respect for public liberty, disfranchise these boroughs? Had he proved them all guilty? Had he proved the majority of the electors to be guilty? If not, why deprive them of their right to the exercise of the franchise? In many of these no proof of guilt had been brought forward. The House had heard much of freedom of election but were those to be punished against whom there was no evidence of guilt? He hoped that the time would come when not only bribery and corruption, but compromises, would be put down. They had been engaged during the whole of last night in discussing the bill of the noble Lord the Member for the city of London which measure was, by legislative enactments, to put an end to the corrupt practices pursued at elections; but it was a singular fact connected with the discussions on the noble Lord's bill, that in none of the speeches which had been addressed to the House had any allusion been made to the proceedings of the hon. and learned Member for Bath's committee. Under these circumstances he must say, that it would be highly inexpedient, if not unjust, to withhold from the electors of those towns the right of exercising their elective franchise. He would again assert, that it was his intention to vote for the first two resolutions, but not for the third.

Captain *Plumridge* disclaimed all personal and hostile feelings towards the hon. and learned Member for Bath. He should not have risen to address the House, had not the hon. and learned Member for Bath stated that he had made out his five charges of illegal compromises. Had the hon. and learned Member made out any charge against him? He had been charged with bribery. He now stood free of that charge. Had the First Lord of the Treasury been present, he would have asked him a question to this effect—whether, after the appearance of the report, he ought to have applied for the Chiltern Hundreds, and thus have carried out a corrupt compromise?

Mr. *Blackstone* did not think that it was possible to consider the compromises which had been made as violations of the privileges of the House. It was clear that the object of these compromises was to avoid the heavy expenses which would have been incurred in defending the seat. In the case of Nottingham, during the examination of Lord Lincoln, the following question was asked of his Lordship:—

"Then I understand that you never expressed any doubt, or gave Mr. Fladgate to understand, that as the petition went in, the funds should not be forthcoming. He had no reason from you to believe that the petition was likely to drop from want of funds?—Certainly not; except so far as I have stated. They told me that it might be quite possible for the opposing parties to protract the thing to such an extent as, perhaps, to draw me into an expenditure of 8,000*l.* or 10,000*l.* I said it was quite impossible to suppose that I could obtain such a sum as that for carrying on the petition. I was ready to assist in the prosecuting of the petition, but that if that course was pursued, I should be obliged to drop it; but that I should go on as long as the fund lasted."

Mr. Walter was called before the committee, and upon being asked,

"Did the gentlemen who were your friends, conducting the petition, understand that you would approve of some arrangement?—I cannot tell what they might understand; it is very likely that they would; the object was, certainly, to get an amicable arrangement; it was thought for the benefit of all parties, as had been done in other places; and nobody thought that there could be the slightest objection to it, particularly when the petition could not have been proceeded with without an enormous expense. I had heard that it could not be effectually prosecuted under 20,000*l.*

The House had heard the hon. Member for Harwich state in the course of his speech that evening, that hs was not a man of much wealth, and could not afford to incur a heavy expenditure in defending his seat. Considering the vast sums of money that were necessary in order to carry on a contest in an election committee, he must protest against the terms of the hon. and learned Member for Bath's resolutions. The last resolution he could not support. Were it carried, it would be nothing less, as had already been stated, than an indefinite disfranchisement of the five boroughs specified in the resolutions. If the hon. and learned Member would move for a committee for the purpose of inquiring into the alleged bribery committed at Nottingham, he would then feel justified in voting for the further suspension of the writ; but he could not support the suspension of the writ on the ground that the compromise stated to have taken place would tend to bring the House into contempt with the people.

Mr. *Lascelles* rose for the purpose of stating that the resolutions of the hon. and learned Member for Bath had been brought forward in that hon. and learned Member's individual capacity of chairman, and not by the authority of the committee. He could not do this, however, without bearing testimony to the spirit in which the hon. and learned Member had conducted the inquiry. That hon. and learned Member's object was to expose the evils attendant upon a system, and not to promote the interest of any individual party. It was but right to the hon. and learned Member for Bath to state that. It was quite impossible for an inquiry to have been conducted more fairly. In order to take a proper view of the whole inquiry, it was necessary to consider the circumstances which had given rise to the committee in question. What were those circumstances? Certain charges against individual Members of that House had been made of their having been engaged in corrupt compromises in order to secure a seat in that House. Those allegations were brought under the notice of the House of Commons, and this being the case, what course was the House justified in pursuing? Under the circumstances, when so many grave charges were made, an inquiry was absolutely rendered necessary. For that purpose the hon. and learned Member moved for his committee. The object which that committee had in view was to investigate into the accuracy of these alleged facts. The result of the inquiry was that it had been satisfactorily established that certain compromises with the view to obtain possession of a seat in that House had taken place; the evidence adduced before the committee established that the compromises were entered into, not for the purpose of screening bribery, but for the object of saving a heavy expense, which would necessarily have been incurred in prosecuting the inquiry before an election committee. It was the understanding among the committee that no recriminatory proceedings should be adopted against particular individuals. With regard to the suspension of the writs, were the resolution embodying that recommendation adopted by the House, it would be too penal in its character. Whatever opinions the House might think proper to entertain with reference to the resolutions under their consideration, he must again assert that the hon. and learned Member for Bath had brought them forward in his individual capacity, and not by the authority of the committee over which he presided as chairman.

Lord *Chelsea* was understood to say, that from the first moment when the hon. Member for Bath moved for his committee he (Lord Chelsea) had abstained from taking a part in the debate. He thought that it was not only an unfair, but an invidious course to pursue, to hold up individual Members of that House as objects of public odium and censure. He had seen nothing to alter his opinion. It was not his intention to enter upon any defence of himself. He thought that it was the duty of that House to decide upon the allegations which had been made. No evidence had been adduced to substantiate the charges brought against him. The hon. and learned Member for Bath had, no doubt, other objects in view in moving for the committee. It would, no doubt, give that hon. and learned Member notoriety, but he should recollect, that although notoriety might be bread and meat to him, it would prove poison to others.

Mr. *Ward* said, that under any other circumstances it would be unfair to make any five individuals of that House the scapegoats of a system. These general allegations might have been made *usque ad nauseam*, and the system which had been in operation for the last twenty years would have remained unaffected, had it not been for the boldness, the novelty, and perhaps he might say, the irregularity of the course which the hon and learned Member for Bath had pursued. If the hon. and learned Member had not adopted that somewhat bold, novel, and irregular course, the House would not have been in possession of the report which he held in his hand. It was not his intention to go into the consideration of the individual cases implicated in the report of the committee. He was pleased to hear that all bore willing testimony to the courtesy, fairness, and impartiality of the hon. and learned Member for Bath. A reference had been made to the onerous duties of the members of that committee—it was inseparable from the inquiry in which they were engaged. If the hon. and learned Member for Bath had not pursued the course which was adopted, the facts embodied in the report would not have been elicited. Those facts were said to bear harshly upon individuals. The hon Member for Harwich had repudiated the charges brought against him. He must say, that the committee had acted with perfect justness towards that hon. Member. It was stated, that Major Beresford had not paid one shilling towards the expenses of his election; that Mr. Attwood paid the whole expenses; that the hon. Member had been brought into the House on the shoulders of one of those individuals whose talents for conquest had already been so well described. He would ask what would the House do with the report? It was an understanding among the members of the committee that they were not to suggest any legislative enactment. The House, however, stood in a difficult position when the facts were brought under its consideration. Those practices were now brought under the notice of the House in a tangible shape; who could say, after reading the report made by the committee, and reading the evidence given before them, that those practices were harmless and were not repugnant to the rights of the people and most detrimental to the honour and dignity of the House? Was it right that the House should be silent upon such an occasion? Was it not their bounden duty to express their detestation of such practices? What interpretation would be put on their silence out of doors, but that the fact having been laid before them of most corrupt practices, they were afraid of condemning it? and was it not their duty to prevent such an opinion being formed, by enunciating an opinion upon the practices at the earliest moment? Considering the support which the right hon. Baronet the First Lord of the Treasury had given to the hon. and learned Member for Bath, support to which the hon. and learned Gentleman had that night borne ample testimony, he trusted it was the intention of the Government to support the resolutions or something like them. At all events, he hoped they were prepared to suspend the issue of writs for all those towns and boroughs which were implicated in the report until some more stringent law was in force for the prevention of bribery. Of course he could only conjecture what the opinion of the right hon. Baronet at the head of the Government might be, or that of any of his Colleagues, but he as a Member of the House felt obliged to say, that he conceived it was the bounden duty of the House, if they did not wish to destroy all the labours of the committee, if they did not wish to retrace the steps which they had taken in the matter, to place upon record the sense they entertained of the practices brought under their notice. He did not stand up for the resolutions intact, but, unless the House was prepared to place upon record some distinct and unequivocal opinion with regard to future proceedings of the nature indicated in the report, he could not see with what object the inquiry had been instituted—he could not see why the noble Lord opposite (Lord Chelsea) and several other Members of the House had been dragged before the committee—he could not see why their feelings should have been harrassed in the manner described by the noble Lord. Unless they were prepared to agree to the resolutions proposed, or something of the same nature, no good could possibly arise from the inquiry. If the House were to-morrow to agree to the motion of the hon. Gentleman behind him (Mr. S. Crawford), and issue a new writ for the borough of Nottingham, they would only promote those scenes and practices in that town which had been so forcibly and graphically described to the House by his hon. and learned Friend—if the House was prepared so to stultify itself, then the enquiry was useless, and would have been much better left alone. The House would have adopted a more reasonable and a more just course, if they had said at once they sanctioned bribery and the system of compromise; for by taking no steps to check the system, they in fact gave it their silent acquiescence. However, he for one was not willing to stultify himself in that way; he had concurred in the appointment of the committee; he had concurred in granting them extraordinary powers; he quite concurred in all they had done, and upon a perusal of their report, was quite prepared to vote for the resolutions then before the House. He again put it to the conscientious feelings of the hon. Gentlemen opposite whether, after acting cordially with the hon. Member for Bath up to that point at which they had now arrived—for the hon. and learned Gentleman had fairly acknowledged that without their support he never could have obtained his committee—after the great expense of feeling which their conduct had caused, if they did not now assist in the endeavour made to correct the system, it would only be one other confirmation of the charge of hypocrisy so often brought against the House.

Mr. *Hawes* could not allow the hon. Member for Wakefield to be the only member of the committee who expressed his sentiments to the House. He wished publicly to state that he agreed in all that had fallen from the hon. Member; neither could he allow the House to come to a vote without attempting to explain what was the difference which existed between him and his hon. and learned Friend the Member for Bath. He could not give his support to all the resolutions of his hon. and learned Friend. In the first place, the inquiry was one of a very peculiar kind, and he felt, as a member of the committee, that if they were to receive their information from the parties concerned in the transactions into which they were to inquire, and who were willing to contribute it, they then received a species of evidence which they could not obtain by any other means whatever; therefore, he thought they could not use that evidence either as affecting the boroughs, or any of the individuals who were concerned. The committee had reported rather with the view of exposing a system than with any view to inculpate individuals—rather for the purpose of laying the foundation for some future legislative enactment than for the punishment of any past offences. What was proposed to be done by the resolutions of his hon. and learned Friend? To the first he entirely subscribed; but when he came to the second, and found that he was called upon to declare that these practices were a violation of the liberties of the people, and a breach of the privileges of the House, he, as a member of the committee, considering the understanding when it was appointed—[Mr. *Roebuck*: The words are "All such practices."] He was aware of that, but he was called upon to affirm that, under the peculiar circumstances of the case, the practices which had prevailed were a breach of the privileges of the House; but he would ask the House, was he to stop there—was he to stop by merely declaring them a breach of the privileges of the House? To stop there was to call upon the House to make a declaration, which in itself was extremely objectionable, for they would declare that a breach of their privileges which was not to be visited by any consequences whatever—a course he believed without any precedent. His hon. and learned Friend was aware that they did not agree in the distinction he drew between his conduct as a member of the committee, and his conduct as a Member of the House. But the right hon. Baronet the First Lord of the Treasury, and the hon. and learned Member for Worcester, had stated that a clause in the Bribery at Elections Bill was intended to meet the case of compromises; that clause sprung ftom the appointment of the committee, and was just as much connected with it as if it had been framed upon the report. It was acknowledged that other measures must be introduced in order to grapple with the evils of the system laid bare by the investigation of the committee. The great merit of the report consisted in this—that it brought to light on positive evidence that which was only surmised before; it was now matter of record, and formed a good ground for legislative interference; therefore he thought the resolutions were unnecessary. With regard to the second resolution, he felt considerable difficulty in supporting it; but when he came to the third, he had no doubt at all as to the course he should take. After mentioning the names of the boroughs implicated before the committee it went on to say, that—

> "The present laws having been found insufficient to protect the voters from the mischievous temptations of bribery, it be ordered that Mr. Speaker do issue no writ for any election of Members for the said towns till further legislative enactments have been adopted to protect the purity of election."

Here he was called upon to vote for punishment upon all those boroughs upon evidence given before the committee in a manner unknown to the law, and which vote might ultimately lead to their disfranchisement; that evidence was obtained by extraneous means—it was not legal evidence, and, although it might form a good ground for legislation, it could not be made ground for punishment. He conceived that the late committee on election proceedings, were much in the nature of the election committee as now constituted. By the bill which was under consideration last night, the election committee by their report might cause a second inquiry; they were in the nature of a preliminary committee to report upon certain charges; so also was the late committee; they made the preliminary inquiry upon which they might legislate, but the foundation of all penal proceedings ought to be upon an inquiry conducted before a judicial tribunal. He, as a Member of the House, concurred in the general object of the resolutions, but having been a Member of the committee he could not give them his support. He differed on that single point from his hon. and learned Friend; it was the only one. Indeed, he might say, that during the whole of the proceedings there had not been a single division, a thing, he believed, that was almost unprecedented. As the hon. Member for Wakefield had made his statement to the House, he had felt that he would be doing his duty in assuring the House, that he concurred in all that had fallen from him; and he had also been anxious to state the grounds of his vote against the resolutions.

Mr. *Aglionby* said, they were now about to enact another farce among the many in which they had lately been engaged—a farce not calculated to create laughter, but one which would and must create disgust and indignation in the public mind. It was necessary, in order to show that the House was really in earnest towards the putting down of bribery, not only to have an exposure, but that the exposure of gross delinquency should be followed by punishment. With respect to the resolutions, he should have been quite prepared to give them his warm support even had they been couched in much stronger words. They were so mild, that he really could not conceive why the hon. Member for Lambeth should object to them; they were of the mildest possible nature. He confessed, he scarcely understood the distinction attempted to be drawn between the duty of a Member of the House and a Member of the committee. What he wanted to know was, would the hon. Member for Lambeth, vote for the resolutions as they stood, as he said he approved of them? He as a Member of the House, was fully prepared to vote for them, because as a Member of the House, he was determined to put down bribery in any way he could, and pursue corrupt compromises to the last. The report exhibited the existence of a system which was a disgrace to the House of Commons. A compromise in itself might be no crime, but a compromise entered into by Members who retained or obtained their seats by it was eminently calculated to bring the House into disgrace. The country would not allow a House so constituted to sit many years. They must have a radical reform not only in election committees, but in the general feeling of the House on the question of bribery; they must erect a competent tribunal, one not only to convict, but with powers to condemn and punish. He had no difficulty whatever in voting for the resolutions—the mildness of the language in which they were couched had led him to hope that they would have met with the unanimous approbation of the House. He joined the hon. and learned Member for Bath most cordially, for he thought no new writ ought to issue to any of the boroughs implicated until some more stringent law respecting bribery was in force. The law was wanted, not for the protection of the candidate, but for the protection of the constituencies; and he would heartily join with any one who brought in a measure with a sincere desire to accomplish that object.

The *Solicitor-General*: Sir, I have no wish to controvert any of the observations made by the hon. and learned Member for Bath as to the enormous evil consequences of a system of bribery among the constituencies which return Members to this House. On the contrary, I quite agree with him that no evils can be greater or more dangerous; but, Sir, I do not think that that is the question which we have now to consider. The hon. Member for Lambeth and the hon. Member for Wakefield have, in my opinion, put the matter in its true light—they, as Members of the committee, have told the House what was the feeling in the committee as to the understanding on which it was appointed. Sir, we cannot shut our eyes to the fact that the House armed the committee of the hon. and learned Member for Bath with extraordinary powers. Evidence was taken and given before that committee in a manner not altogether foreign to, but in complete opposition to all the rules which guide evidence in courts of justice. That committee has now made its report, founded upon the evidence so obtained, and the question now is, what steps are the House now to take upon that report? The hon. Member for Cockermouth says if the House takes no step at all in consequence of the report, it will be adding another farce to those in which we have already been engaged; but let me remind the House of what was the purport and object with which the committee was appointed. The hon. and learned Member for Bath made a statement. He said he had no intention to fix criminality upon any indidual, but he wished to expose a system which, he said, existed, and was one of an extremely obnoxious nature. He said he believed the system of compromise was not a new one, but that it had taken place over and over again; that he did not wish to fix censure on any party who had been concerned in the practice; but he considered it necessary that it should be inquired into, because the compromise was generally made for the purpose of preventing an investigation into gross bribery. He further said his object was not to punish, but that a committee should be constituted to inquire into the system with a view to found legislation upon the result. That was the object and purpose of the committee—at all events, it was upon that understanding that the hon. and learned Member obtained his support from this side of the House. That, I believe, was the understanding on both sides of the House—not that the committee was to pass censure upon any person, or to take any criminal measures against any one, but merely to inquire for the purposes of legislation; most certainly it was upon that understanding alone that the committee were armed with the extraordinary powers which were confided to them. A defeated candidate presents a petition claiming the seat, and among other matters he charges the sitting member with bribery—he goes before the committee, and upon other grounds he obtains the seat. Surely you would not make him go into all the cases of bribery he had alleged at his own expense, he having previously obtained all he wanted. All that is to be expected of a petitioner in such a case is that he will look after his individual interest; but says the hon. and learned Member for Bath, that is not all the House of Commons wants—the charges of bribery must be prosecuted, because it is for the public benefit. Some cases were alleged to have been compromised, and the allegations of bribery were dropped; then said the hon. and learned Member for Bath,

> "Give me a committee, and I will undertake to show that in this case the sitting Member either gave up his seat or the petition was withdrawn in order expressly to keep all the parties from entering upon the allegations of bribery."

The committee was appointed, and it is impossible to deny that the result of the inquiry is, that several compromises were entered into for the purpose of preventing all investigation of cases of bribery; that is the result undoubtedly. Then what is the next step the House ought to take? The hon. and learned Member for Bath says, notwithstanding the grounds upon which the committee was granted—notwithstanding the reasons for which it was armed with extraordinary powers to pursue the investigation, he thinks it right to move these resolutions: the first, in general terms; but the others highly inculpating individuals, and charging them with having been guilty of a breach of the privileges of the House. Sir, I should indeed be very reluctant to vote anything a breach of the privileges of the House unless I was prepared to follow up that vote with adequate punishment. If the vote is not followed up, then indeed it would be a farce; the House will stultify itself if it votes anything a breach of privilege, and yet refuses to follow it up with punishment. Will the House be open to the censure of the hon. Member for Cockermouth if it refuses to adopt these or any other resolutions? What has already taken place with reference to this subject? No legislative measures have been proposed since the report of the committee was presented; but a bill has been brought in by the noble Lord the Member for the City of London (Lord J. Russell), founded not upon the report of the committee, but upon the statements made by the hon. and learned Member for Bath when he moved the appointment of that committee. What is the nature of the enactments of that bill which last night passed through committee? It meets the very grievance of which the hon. Member for Bath complains—the compromise of election petitions. That bill empowers an election committee, in the event of a compromise taking place, or of a petition being withdrawn, to call before it the sitting Members, the candidates, and the agents, and to inquire into the causes which have led to the compromise, in order that the committee may be enabled to judge whether such compromise has been entered into in order to avoid the investigation of charges of bribery. If the committee come to the resolution that a compromise had taken place, they are armed with the power of prosecuting an inquiry, assisted by an agent appointed by the House at the public expense, into the charges of bribery. A legislative measure has, therefore, been applied which completely meets the case contemplated by the hon. and learned Member for Bath. Some clauses of the bill to which I refer were opposed by the right hon. Gentleman the Member for Cork and by other hon. Gentlemen, on the ground that they required further consideration; but, although those clauses have been withdrawn, I presume the feeling of the House is, that some other legislative measure should be adopted during the next Session of Parliament which may perfect the provisions of this bill. What, I would ask, ought to have been the nature of the resolutions proposed by the hon. Member for Bath—in accordance with the feelings of the House, and with the report of the committee—if no bill had been brought in on the subject? I think the resolutions ought to have been in this form—that from the disclosures which have taken place before the committee, it was the opinion of the House that the compromises entered into tended to obstruct the investigation of charges of bribery, and that it was, therefore, the duty of the House to adopt such legislative measures as might prevent such compromises. If no legislative measures had been brought in, or were in contemplation, I would have concurred in resolutions of this nature; for the House being satisfied, from the report of the committee, that compromises have taken place with the object alleged by the hon. Member for Bath, would have been bound to provide some legislative enactment on the subject, instead of declaring these compromises to be a breach of privilege, and censuring the conduct of the persons who have entered into such compromises. I entertain strong objections to the resolutions of the hon. and learned Member for Bath. Is the House prepared to deal in the manner proposed by the hon. Member with the rights of six boroughs returning twelve Members to Parliament? The hon. and learned Member asks the House to suspend the issue of the writs for these boroughs. With what object does the hon. Member make this proposition? The hon. Member proposes, in his resolutions, that Mr. Speaker shall issue no writs for any election of Members for certain boroughs till further legislative enactments have been adopted to protect the purity of election. What does the hon. and learned Member mean? Is he prepared to introduce some other measure besides that already before the House? or does the hon. Gentleman mean the House to understand that any other legislative measure will be brought forward affecting these boroughs? The bill introduced by the noble Lord the Member for the city of London is the only measure now before the House; and let me remind hon. Members that that bill will contain some important provisions with respect to bribery which have originated from the report of the committee appointed on the motion of the hon. and learned Member for Bath. I do not allude to the clauses which were passed last night, but to the statement of the hon. Member for Liskeard, that at a future stage of the bill he would introduce provisions respecting the payment of head-money and treating, either before or after elections. The hon. and learned Member for Bath now asks us to suspend the writs for six boroughs, and to keep twelve seats in this House vacant—until what time? I stated on a former occasion my opinion on this subject in a constitutional point of view. The House of Commons, as a branch of the Legislature, has the power, if it thinks right, to propose the disfranchisement of a borough for corrupt and illegal practices; but I think this House assumes a most dangerous power when, without the consent of the other branches of the Legislature, it prevents boroughs from sending representatives to Parliament. Considering the nicely-balanced state of parties, what would have been the effect had this House, the Session before last, suspended the issue of writs for six boroughs? The fate of the Ministry might have depended—it would have depended —upon the presence of the Members for those boroughs. It is, therefore, I conceive, a most dangerous power, and one which ought only to be exercised in case of great emergency and with some definite object. I can understand the suspension of a writ if you intend to introduce a bill for the disfranchisement of a borough, and, with the consent of the House of Lords and of the Crown, to carry that disfranchisement into effect; but what right has this House to suspend the privilege of boroughs to return Members to Parliament? I remember that, on a late occasion, the hon. Member for Montgomeryshire (Mr. Wynn) stated that in former times the House of Commons had suspended writs, and for several months; but the right hon. Member referred to a bad period of the history of this country; and I think this House will not follow such a precedent. If you suspend these writs now, you are to pass over the period during which Parliament is prorogued; you are to wait until the next Session. These boroughs are to have no representatives—till when? Will you be prepared, when you meet again, to adopt measures for the disfranchisement of these boroughs? You will not. Then suppose this House adopts the measure which was under consideration yesterday, and that it is rejected by the House of Lords, are these boroughs to have no representatives? I entertain, then, great doubt whether, constitutionally, the House of Commons is justified in exercising this power. If you suspend these writs you establish a precedent which may be followed in worse times, when it may be important to a party in the House of Commons to suspend, for unconstitutional purposes, the issue of writs for certain boroughs. I hope, therefore, that the House will not concur in the resolutions of the hon. and learned Member for Bath. I trust we shall not be subjected to the misrepresentation that, in opposing these resolutions, we afford any countenance or encouragement to the system of bribery. I object to the resolutions of the hon. and learned Gentleman, because I think they are wholly unnecessary, and because I conceive they involve a violation of the understanding into which the House entered when the committee was appointed. We are now adopting legislative measures which are directly calculated to meet the evils of which the hon. Member complains; but the principal ground on which I object to these resolutions is, that they recommend the suspension of writs for an indefinite time. I shall, therefore, move the previous question.

Sir *R. Inglis* said, after the direct allusions which had been made to him by the hon. and learned Member for Bath, he thought it right to state, that what he said on a former occasion was this—that he conceived an exaggerated view had prevailed as to the nature and extent of the guilt of bribery. He might say, with respect to the observations of the hon. and learned Gentleman, that he believed, as far as his public life was concerned, he was no hypocrite; and he thought the hon. Gentleman could not show that he had ever swerved, or, to use a somewhat unparliamentary expression, "skulked" from the avowal of his opinions. He begged pardon of the House for having referred to a matter entirely personal; but as he had been pointedly alluded to by the hon. and learned Member, he thought it right to give some explanation. He entertained strong objections to the resolutions proposed by the hon. Member for Bath, and he wished the hon. and learned Solicitor-general had met them by a direct negative. He would not revive the discussion as to the circumstances under which this committee was appointed, but he would proceed to consider the results of their investigations as they appeared in these resolutions. The first resolution of the hon. and learned Member stated,

> "That the compromises of election petitions must, if for the future they be allowed to pass without punishment or censure, tend to bring this House into contempt with the people, and thereby seriously to diminish its power and authority."

But the hon. and learned Gentleman would say that he was not reading the resolution fairly; for, in fact, the resolution was perfectly valueless without this parenthesis—

> "As brought to the knowledge of this House by the report of the Select Committee of Election Proceedings."

He found that the very first witness examined before that committee, Sir Denis Le Marchant, stated that he was informed by his legal adviser, that whatever strong suspicions there might be of bribery having taken place to a great extent, still the evidence that he could bring before the committee was very inconclusive; and the witness proceeded—

> "I was told that I had very little hope of our being able to give any evidence of the way in which the bribery had taken place, and that my only chance of success was the strong feeling that prevailed in committees upon the subject of bribery; and he said, so far as the scrutiny went, that was perfectly hopeless; so that in fact my only chance was a compromise, if I wished to get the seat. I thought that it might be worth while to make the experiment, and I determined to drop my petition for the seat."

He did not mean to say that the evidence of every witness examined before that committee produced the same impression on his mind; but he thought he had rescued one compromise, at least, from the charge affixed by the hon. Member for Bath to all compromises; for he had shown, from evidence upon which the hon. Member for Bath relied, that one hon. Gentleman entered into a compromise because he was informed he could not prosecute his petition with any chance of success. The hon. and learned Member for Bath seemed to have an almost instinctive aversion to the idea of compromise. He seemed to think with the firm of Buzzard, Hawk, and Co., that

——"arbitrations were the stain
"Of 9th and 10th of William's reign,"

—and that all disputes ought to be settled by a suit at law. The hon. and gallant Member for Harwich, who was examined before the committee, said,

> "I have had one petition, and that has been enough for me; I am determined never to have another."

He believed many gentlemen were influenced by a similar feeling, and he thought no hon. Gentleman who had ever served on an election committee, and above all those who had been themselves involved in such an investigation, could wonder at the desire which existed to avoid such inquiries. The hon. Member for Bath declared in his second resolution, that

> "All such practices" as those to which he had drawn the attention of the House, "are hereby declared to be a violation of the liberties of the people."

He was bound to say that the hon. Gentleman had not endeavoured to enforce by his speech this part of the resolution. He asked the hon. and learned Member for Bath whether such practices could be shown to be a violation of the liberties of the people? Although the hon. and learned Member had delivered a very long, and a very able speech, he had not said one word on this subject. The hon. Member had not even attempted to substantiate the other clause of this second resolution—that these practices were a breach of the privileges of that House. If the hon. and learned Member had said that such practices violated the purity of election; or if he had used any term of that kind, he could have understood him. He did not know how the hon. Gentleman, treating these compromises as an offence, could propose to punish those who might hereafter enter into such compromises, while those who had already committed the offence were permitted to escape. The hon. and learned Member for Bath seemed to have forgotten that the investigations before election committees were trials instituted by private individuals in order to obtain private rights; but the hon. Gentleman proposed to punish any person who, in the exercise of his discretion, might choose to withdraw a petition for inquiry before an election committee. He then came to the third resolution. The resolutions of the hon. and learned Member for Bath said they were to suspend the issue of new writs for all these boroughs till there were some further legislative enactments to protect the purity of election. What interpretation was the House to put on this? What interpretation was the House to put on the three last words of the third resolution? What did the hon. and learned Member mean by "purity of election?" He had not stated that, and he (Sir R. Inglis) would venture to state it for him. He assumed that he meant "universal suffrage" and "vote by ballot." ["Hear, hear."] At any rate, there were those behind him who would say, that there could be no purity of election till they got vote by ballot and universal suffrage. Were they, then, to satisfy the hon. and learned Member for Bath as to "purity of election?" A power such as was proposed to be given by the second resolution, conceded to a majority, might fix the fate of any Ministry, and transfer power from one party to another. He thought this resolution unsustained by any previous precedent. He would ask the hon. and learned Member to point out what liberties of the people were violated, and where the breach of the privileges of the House was? He asked him, respectfully, to point out the page in *Hansard* or in the journals of the House where "such practices" were forbidden. He (Sir R. Inglis) would tell the hon. and learned Member, there was nothing in the evidence produced to justify the taking of the decision of those questions from the tribunal to which they were usually referred. If the parties involved in the case felt that the expense was so great as to justify them in withdrawing from such contest, it would be a most mischievous precedent—it followed certainly no precedent—and dangerous to the liberties of the people to give to a majority in that House—a "tyrant majority," as it had once formerly been called—the power of deciding what persons should or should not continue to discharge the duties of Members of Parliament. For these reasons he would rather have met the resolutions with a direct negative; but it was not for him to interfere with the authority of the Solicitor-general. At any rate, he should record his vote against the resolutions.

Mr. *Hume* thought the hon. Baronet who had sat down had not done justice to his hon. Friend. The inquiry had gone forth, not with the view of criminating any party concerned or interested. The hon. Baronet seemed to have forgotten that the instruction to the committee was to inquire into certain corrupt practices alleged to have taken place with regard to certain elections. That was the object for which the committee had been granted, and he did not know but that that object had been completely answered. The hon. and learned Solitor-general had admitted the corrupt practices, and the bribery which had been proved; and had concluded by stating, that he was prepared to move the previous question. He was very sorry that the hon. and learned Gentleman should place the House in that situation: because the hon. and learned Gentleman admitted the corrupt practices, on account of which the inquiry had been made, to be proved; he admitted that they were practices which ought not to exist, and ought not to be tolerated; and he admitted that the bill which had passed through the House the night before was intended to correct and remedy, if not the whole, a part of those abuses, and he was therefore very much at a loss to know why the hon. and learned Gentleman had taken the course he had. What an impotent resolution the House would come to if the bill to which the learned Gentleman referred should be rejected in another place! They would then be in the situation of having made the inquiry into these abuses, of having had all the practices fully proved—for no Member had yet attempted to deny them—and of having visited them with no condemnation whatever; for that would be the case if "the previous question" were put and carried. Did the hon. and learned Gentleman say that such practices as had been proved, did not tend to bring that House into contempt with the people? He did not deny that they did. The evils were admitted. His hon. Friend brought them before the House in a manner not to be denied, and asked if these practices were to be allowed to pass whout notice or censure, as they would tend to bring that House into contempt. Was there any man in that House who would be bold enough to say, that such practices did not tend to damage the character of that House in the eye of the public? Would any man say that the expenditure of 10,000*l.* or 12,000*l.*, in bribery and corruption at elections of Members of the House was consistent with the character which Members of that House ought to maintain as the representatives of the people? If that were the case, why refuse to condemn such practices? The hon. and learned Solicitor-general, by not condemning them positively, stated to the world that such practices should go on. In his opinion it would be better at once to legalise such practices. Extensive as these abuses had been, and clearly exposed and admitted as they had been, the hon. and learned Gentleman yet called upon the House not to pass an opinion on them. It was as much as to say, they might practise such things without being detected, and even if detected, it mattered not; for the House of Commons had refused in six or seven cases to pass an opinion, on the authority of her Majesty's Solicitor-general, that such practices ought to be condemned. He most deeply regretted the course which had been pursued. He had given credit to the right hon. Member for Tamworth that he would endeavour to get these practices put an end to and to prevent their repetition; but how could he (Mr.

Hume) reconcile that expectation with the present amendment, in which he presumed the right hon. Baronet concurred? The amendment went to the extent of saying, that it was not fit that the House of Commons should declare an opinion on the corrupt practices which had existed. The hon. Baronet opposite (Sir R. Inglis) wished to know how these practices were a violation of the liberties of the people. Did the hon. Baronet not know that anything which interfered with the freedom of election of Members of that House—whether by bribery or corruption, or intimidation—prevented the free choice by the people of their representatives, and was an interference with the freedom of the subject? Did the hon. Baronet mean to say, also, that these practices were not a breach of the privileges of that House? He was sure that the Speaker, if appealed to, would not deny that these compromises were a breach of the privileges of that House? They prevented disclosures of bribery. Full examination into these transactions had been prevented, and was it possible for the hon. Baronet for a moment to believe that these practices were not a breach of the privileges of that House? His hon. and learned Friend (Mr. Roebuck) asked the House to declare that compromises to prevent the discovery of bribery, and to prevent justice being done between the parties, tended to bring the House into contempt, and should in future be strictly inquired into and severely punished. But if these proceedings were allowed to pass without punishment or censure, would they not bring that House into contempt? And what did her Majesty's Solicitor-general propose? That there should be no punishment for the past, and neither punishment nor censure for the future. He did not know what language the learned Solicitor-general could use stronger than his amendment to express that he did not think the House ought to pass an opinion that such proceedings ought to be punished in future. It appeared to him that their proceedings would appear to the public at large a complete farce. After all the challenges and charges made against his hon. and learned Friend, who had conducted himself throughout this inquiry so much to his own honour and credit and to the satisfaction of all parties, all his labours would be as nought; nay, on the contrary, his labours would work out evil instead of good, because he had proved the abuses which existed, the manner in which that House was constituted, and in which the Members of it, in many instances, were elected, and the public would see that, bad as they were, and condemned as they had been out of that House, her Majesty's Solicitor-general had, by his amendment, said he would not pass any opinion on those practices, or agree that they should in future receive any punishment or censure from the House; and should the hon. and learned Gentleman's motion be carried it must be presumed that such practices had the support and sanction of the Legislature. He could put no other interpretation upon this amendment. He had to express his deep regret at this opinion of the hon. and learned Gentleman. He thought that the third resolution might be objected to, as it had been by the hon. and learned Member for Winchester, without the first two being questioned; but he thought the third resolution might be supported with great propriety, because it asked only that new writs should not be issued for the boroughs about which there had been inquiry till further Legislative enactments should be adopted to protect the purity of elections. A further Legislative enactment was going through the House, and before it was passed it would be improper to issue new writs for these boroughs. What had taken place on the issuing of a new writ for Ipswich? He had opposed the issuing of that writ, because he was of opinion that it would renew the scenes of bribery which had taken place. No sooner was the writ issued and the election over than a petition was presented against the return, and bribery was now proved, he understood, before a committee up stairs. He knew that the report had not been made to the House; but he understood that charges of bribery having again taken place at that election had been made and proved. Could any man doubt that if writs were issued to the other boroughs, extensive bribery would take place? The hon. Member for Buckingham had stated, with regard to the Nottingham election, that he was sure upwards of 2,000 of the electors were bribed. He should support the resolution of his hon. Friend. He believed that universal suffrage and the vote by ballot were the only means to prevent undue influence by money or intimidation, and thereby the recurrence of these transactions.

Mr. *T. Duncombe* did not rise for the purpose of protracting this painful discussion, but simply to put a question to the right hon. Baronet as the head of her Majesty's Government. It appeared by these proceedings two or three Members of that House had engaged, in pursuance of agreements entered into to carry out these settled compromises, to accept by a certain day the stewardship of the Chiltern Hundreds. He wished to know, whether it was the intention of the Government, in the event of any of those individuals applying for it, to grant the application? He wished to know whether, in the case of Major Beresford, for Harwich, of Captain Plumridge, for Penryn, and with regard to one of the Members for Reading—for the report did not state which—it was the intention of the Treasury to grant the stewardship, by means of which the compromise might be carried out? It appeared to him that if the Government bestowed the Chiltern Hundreds in these cases, they would be parties to these corrupt practices, and be giving facilities to that which he hoped the House was on the point, by the adoption of these resolutions, of preventing.

The *Chancellor of the Exchequer*: As the stewardship of the Chiltern Hundreds is in the gift of the Chancellor of the Exchequer, I may be allowed to answer the question. No application has been made to me by any of the parties referred to for the Chiltern Hundreds; and when that application is made, it will be time enough for me to decide what course I shall pursue.

Captain *Plumridge* requested to know from the right hon. Gentleman whether he would give him the Chiltern Hundreds in order to enable him to carry out the compromise.

The *Chancellor of the Exchequer*: He would give an answer when the hon. and gallant Officer made an official application.

Captain *Plumridge*: I now make the application. He felt himself in a very difficult position, and the reason was, that he did not make the compromise himself; he never would have consented to ask for the Chiltern Hundreds; he was not guilty of bribery; but he had been so far compromised by his agent as to be called upon to accept the Chiltern Hundreds if he could get them. He made that application very reluctantly, so far as related to his sense of feeling, but he did so from a sense of duty.

Mr. *Cochrane* defended himself against the charge of inconsistency brought against him by the hon. Member for Bath, for having, on former occasions, supported inquiry, with regard to the borough of Bridport, and afterwards refused to give evidence before this committee. He begged to say he never asked for a committee; all he asked for was, for an explanation with regard to Mr. Warburton; but when that committee was appointed no one would have imagined that its proceedings were to be conducted in secret, and without the parties charged having an opportunity of challenging their judges. By his silence before the committee he did not mean to sanction the charge of extensive bribery brought against himself and the Conservative party in the borough he had the honour to represent. The course he had taken he had adopted with a view to vindicate the law and constitution of his country.

Sir *R. Peel* said: The hon. Gentleman the Member for Bath, in the speech by which he had opened the present motion to the House, stated that he had received from me a consistent and decided support in the former proposal he had made for an inquiry into these transactions. The hon. Gentleman had made that willing admission, and I cannot say, although I know the course I pursued on that occasion caused some dissatisfaction and led to some animadversion, that, on reflecting upon the matter, I see any reason to regret that course. I certainly did think that the notoriety and development of those proceedings—the public notification that compromises, as they were called, had taken place, should not prevent the House from instituting an inquiry—I certainly did think that the very inquiry and development of the facts of the transactions referred to would operate as a strong discouragement to their repetition; but at the same time that I stated this much I had a strong impression that it would be unjust on the part of the House of Commons to brand with peculiar censure those hon. Members who had been parties to these proceedings. I felt that for very many years those compromises had taken place almost with the connivance of the House of Commons itself. I felt that it was notorious such compromises were made, and I think, whatever might be wrong in those compromises, the House of Commons itself ought to bear a considerable portion of the blame, because the fact being notorious the House had permitted them to pass for years without the slightest attempt to discourage them or to visit the parties to them with censure; and therefore when the notoriety of the facts was such that inquiry could not be prevented, still my object in consenting to that inquiry and these proceedings was not, as I avowed from the first, to imply a censure upon the individuals mixed up in them, but for the prevention of the system. I thought not only that the appointment of a committee of inquiry would operate as a strong discouragement to future compromises, but I was ready to go further, and to take legislative precaution against the continuance of the practice; and I also thought the result of the proceedings of the committee would be, that the hon. Gentleman the Member for Bath would move some such resolution as this, namely, that it is desirable, in consequence of the disclosure made before the committee, of which the hon. Gentleman was chairman, that immediate measures should be taken by Parliament to correct, by legislation, such a system as had been proved to exist; and if that had been the motion of the hon. Gentleman the Member for Bath it should have received my support. But only last night a bill (one of the objects of which is to prevent compromises of this kind) was passed through committee, and, therefore, it appears to me unnecessary now to pass resolutions of this kind. As to the mode of conducting the inquiry, I think the hon. Gentleman the Member for Bath has been hardly dealt with. The appointment of the committee was the act of the House of Commons—the House had associated with the hon. Member for the purpose of the inquiry and investigation, eight other Gentlemen of the highest character. From this side of the House there were selected Sir William Heathcote, Mr. Lascelles, Mr. Bramston, and Mr. W. Miles. For two of those Gentlemen Mr. E. Yorke and Mr. Wilson Patten were subsequently substituted. The report and the proceedings of the committee thus appointed and selected I consider to be the report and proceedings, not of the hon. Gentleman the Member for Bath, but of the tribunal which was appointed by the House of Commons itself. It is true, the hon. Gentleman was chairman of the committee, but that was the act of the committee which elected him chairman; and, therefore, for the whole of the proceedings before the committee, I consider the select committee appointed by this House, and not the hon. Gentleman, to be responsible; and I cannot see in the manner in which their proceedings had been conducted, or in the mode in which truth was elicited, any departure from the ordinary course taken by other committees appointed for similar purposes which can justify a condemnation of the mode in which this particular committee has discharged the duty assigned to them. While I relieve the hon. Gentleman from personal responsibility for the proceedings, or the report, or the mode in which the evidence was taken, yet at the same time I must attach some weight to the recommendations of the committee, and I cannot think, looking at the third paragraph of the report, that the committee ever contemplated any such proceeding as that in which the hon. Gentleman has now engaged. The committee, in their report, state that

> "They understand their duty to have been to elicit and lay before the House, faithfully and clearly, all the facts of the several cases, rather with a view to expose the evils of a system than by any direct expression of their own opinion to inculpate individuals, or directly to lay the foundation for any legislative enactment with respect to the particular boroughs in question; and they consider that they are borne out in this opinion by the nature of the debates in the House upon the motion for the appointment of the committee, and upon several subsequent occasions. In this view of their duty, the committee called before them the parties immediately concerned in these transactions; and the committee feel bound, in justice to those parties, to state, that their willingness to appear, with few exceptions, and the full and frank disclosures made by them, have tended greatly to facilitate the proceedings of your committee; and they have consequently been enabled to obtain from the most authentic source evidence relative to practices which, although supposed to have existed, have never before been so clearly and unquestionably brought to light."

Now, I cannot help thinking that the parties who so gave their evidence did so under the impression—which I also thought to be the impression of the House at the time the inquiry was agreed to—that if they fairly disclosed the facts of the case they would be entitled to indemnity. Under that impression, and also on the understanding that we were to take due precautions against the continuance of the system, I gave my vote for the committee, but not in order that we might visit with censure those five or six Gentlemen who had been concerned in these compromises; and here is an admission by the committee that the evidence relative to these practices had exhibited them in a clearer light than had ever yet appeared; so that the House had now got the testimony from willing witnesses, and I must say I cannot reconcile it with my sense of justice now to select for censure those particular individuals. [Captain *Bernal:* How do you provide for the future?] I provide for the future by the bill last night under discussion. But how did the hon. Gentleman opposite (Mr. Roebuck) meet the case? His resolutions are,

> "That the compromises of election petitions must, if for the future they be allowed to pass without punishment or censure, tend to bring this House into contempt with the people, and thereby seriously to diminish its power and authority."

And further,—

> "That all such practices are hereby declared to be a violation of the liberties of the people, and a breach of the privileges of this House, which it will in all future cases strictly inquire into and severely punish."

Why, that being translated, means no more than this: "You have been guilty of an offence which is a violation of the liberties of the people, and a breach of the privileges of the House. Still we will not call you to the Bar and censure you, but any person who hereafter in like manner may offend, we will." But there are several other parts of these resolutions with which I am not satisfied. The hon. Gentleman, by his resolutions, declared these practices to be a violation of the liberties of the people, and a breach of the privileges of the House. Now, I do not like dealing with general terms of this kind. I think the House ought not lightly to adopt such a declaration. The hon. Gentleman does not state the particular nature of the compromise which shall constitute a violation of the liberties of the people and a breach of the privileges of the House; but he refers to certain compromises, all of which differ in character, and, speaking generally, says, they are breaches of privilege and violations of the liberties of the people. If they be so, why do you not go on and censure the parties to them? When you talk of inefficient proceedings is it not inefficient to pass by those guilty of these violations? Why, you abstain from censuring them because we gave them reason to believe that if they gave their evidence fairly, they should not be visited with censure. I cannot reconcile it to my mind, as a fair proceeding, to brand these parties after they have so given their evidence with censure. Their evidence has been obtained upon a distinct understanding that the inquiry was set on foot and the investigation gone into in order to put an end to the system, but not to punish them. I think the hon. Gentleman agrees with me that that was so. ["Hear, hear."] Well, then, I think the hon. Gentleman's resolutions have the effect of branding these parties with a sort of qualified and implied censure. I concur with the hon. Gentleman in thinking that in all future cases you should deal strictly with such compromises, but I will not do so by mere resolutions, but I will do it by law. I wish to see a law passed which shall insure a full inquiry into and a remedy against such practices, but I am not quite certain that they are a breach of the privileges of the House, because when the House passed the Elections Trial Bill, it divested itself of the charge of inquiring into bribery, and said to individuals, "We leave it to you to prefer and defend charges of bribery," and the Legislature visited with costs those who preferred or advanced frivolous and vexatious charges or defences; and I think the House when it adopted that course, be it wise or be it wrong, left to individuals the vindication of the purity of the House, and therefore the House ought to take care not to visit with severe censure the parties to such compromises, and by legislation rather than by resolution to prevent them in future. If, therefore, as I have already said, the hon. Member had moved a resolution to the effect that the disclosures made before the committee required a legislative remedy, to that resolution I would have now given my support; and it is only because there is a bill before the House which will effectually, I think, insure a remedy, that I believe it unncessary to come to the resolutions proposed. So much for the first two resolutions. With regard to the last,—

> "That whereas in the late elections for Harwich, Nottingham, Lewes, Reading, Falmouth and Penryn, and Bridport, the present laws have been found insufficient to protect the voters from the mischievous temptations of bribery, it be ordered that Mr. Speaker do issue no writ for any election of Members for the said towns till further legislative enactments have been adopted to protect the purity of elections."

I cannot acquiesce in it. On a former occasion I stated strongly the danger of establishing precedents for the suspension of any particular writ, but to make a general resolution pledging the House in six cases involving the seats of twelve Members is, as my hon. and learned Friend the Solicitor-general has pointed out, full of danger, inasmuch as on a nice balance of parties in the House the majority might retain the balance of power. I think it may be right to suspend the writ for any borough in case you are about to deprive that borough of the franchise, or to institute an inquiry with that view, but I greatly doubt whether you have any right to suspend the issue of a writ on the vague intimation that you contemplate some general measure with regard to bribery. In this case it is not intended; at least no notice has been given of any such intention to disfranchise these particular boroughs. It is merely proposed to suspend the writs until further legislative enactments are adopted. From these resolutions, if once adopted, it will be difficult to recede. In the case of Bridport there is no compromise for vacating the seat—there is no seat vacant—and yet the hon. Member opposite (Mr. Roebuck) invites us to agree to a resolution which in that case will have the effect of suspending the writ whenever a vacancy may occur. Again, to pledge the House to suspend these writs until some legislative enactments were passed is, in my mind, a course not only inconsistent with justice, but most dangerous as a precedent. At some future period there might be a difference of opinion between the two Houses of Parliament on the subject of legislating with regard to bribery; and yet by these resolutions the constituent body must forfeit their right to return Members until both the Lords and Commons had consented to some bill which they both might think essential for the prevention of bribery. On that ground, therefore, I must vote against the resolution. At the same time it is my intention to support the bill which we have lately considered, and which I trust will have the effect so generally wished for, of deterring from compromises, and rendering the proceedings connected with elections more pure.

Mr. *Vernon Smith* said, that if he sat on the other side of the House, he would not venture to say anything after the masterly, argumentative, and admirable speech of the Solicitor-general; but sitting as he did on that (the Opposition) side, he was anxious to say a word, as some hon. Gentlemen seemed to think it incumbent on them to show their detestation of bribery by voting for any resolutions directed against that practice, however objectionable. To that general condemnation he must demur, and he would briefly point out the reasons why he could not assent to the three resolutions. The hon. Members for Cockermouth and Montrose said, "Are we to allow the labours of the committee to come to nothing?" He answered, that he did not think those labours had come to nothing; he thought they had come to the very termination which was expected when the committee was appointed. The purpose of the committee appeared, as well from the words of the right hon. Baronet, who was a principal party to its appointment, as from the report, to be to bring to light facts which could not otherwise have been discovered, as a foundation for legislative proceedings. When it was said, that the report came to nothing, that conclusion must be derived more from looking to the opening speech of the hon. and learned Member for Bath, when he moved for the committee, than from the report itself. He did not wish to make any allusion that might tend to revive acrimonious feeling, but he thought the hon. and learned Member for Bath must himself allow that his opening speech went much further than the report of the committee. If the views contained in that opening speech had been acted upon, the House must have gone much further than they could now go, and have taken proceedings against individuals; but he thought, that any prosecution of individual cases was precluded, the committee having agreed that nothing was to be done against individuals who declared themselves guilty. He agreed with the right hon. Baronet, that if they passed these resolutions, they would not be acting in conformity with the spirit of the order of the House under which the committee was appointed. The first resolution related to the question of compromises. It did appear to him, that these compromises had hitherto been sanctioned by the House—that was, there had been an utter neglect on the part of hon Members to bring them before the House as breaches of privilege. If he were asked, whether any kind of compromise was illegal, he should say, certainly not; if he were asked whether it was a breach of privilege, he should say, though with more doubt, that it was not;

but he was not prepared to say, that in the present state of the law of elections, any compromise that might be made between two parties was even improper. One point that was brought most prominently forward in the evidence taken before the committee was the enormous expense of conducting election petitions under the present system. It was stated by parties well acquainted with these matters, that the Nottingham petition, if it had gone on, might have cost 20,000*l.*; and the noble Lord, whom he saw opposite, who had endeavoured magnanimously to difranchise the town of Nottingham, might have been put to an expense of 8,000*l.* or 10,000*l.* The expenses being so enormous, he was not prepared to say, that two persons contesting a seat in Parliament were not to come to any arrangement under the Grenville Act, for the purpose of avoiding an expenditure which might be ruinous, one of them taking the seat, the other giving it up. It was a great evil that it should be so, but it was a necessary evil under the present law for the trial of petitions, and certainly one of the chief objects they should propose to themselves in any legislation on this subject was to diminish the expense of these petitions. The resolution said,—

> "That the compromises of election petitions, as brought to the knowledge of this House by the report of the select committee on election proceedings, must, if for the future they be allowed to pass without punishment or censure, tend to bring this House into contempt with the people, and thereby seriously to diminish its power and authority."

Now, there had been numerous other compromises which never had been brought before the committee, and which might be open to the same objection. Those which had come before the committee varied much in their nature, and it was utterly impossible to pass a resolution of so vague a character without defining more accurately what the compromises were to which the hon. Member for Bath referred. By the second resolution all such practices were declared to be violations of the liberties of the people, and breaches of the privileges of that House. This resolution was objectionable on the same grounds as the former, but still more so, because it declared compromises to be breaches of privilege. He did not see how they could escape from the consequences adverted to by the Solicitor-general. If they passed a resolution that such and such proceedings were breaches of privilege, they ought in justice to prosecute persons who had been guilty of those practices. By the third resolution, the writs for the six boroughs named were to be suspended till further legislative proceedings could be taken; but why should punishment be confined to these towns, when it was notorious that others had been more guilty? Why not include Southampton and Belfast? The last part of the resolution made it impossible for him to vote for it. No definite time was named during which the writs were to be suspended. In voting against this resolution, he must so qualify his vote as to say that if at any time any Member chose to move the suspension of each individual writ on the occurrence of a vacancy, until the Bribery at Elections Bill was passed into a law, he would give his assent to that motion. If a writ were to issue for Harwich, for instance, before the Bribery at Elections Bill passed, all the evils that bill was meant to remedy might again occur at Harwich, where bribery was proved to have taken place to a disgusting extent. The writ might be returned and a Member might take his seat while the bill was passing which had been prepared for the prevention of such practices.

Mr. *Aglionby* was met by cries of "Spoke, spoke."—He said "No, no; you have given me an opportunity of speaking again."

The *Speaker* said, the hon. Member had spoken to the original question, since which an amendment had been put, on which he might now speak.

Mr. *Aglionby* thought the proceedings of the committee would not be without good effects. However the House might decide, as they would do, against these resolutions, a tree had been planted which would bear good fruit. He had, at a former part of the debate remarked, that the public out of doors would consider the present proceeding a farce; he might now say they had come to the second act of the farce. They would think that it would have been a much more honest, manly, and decided course for the Solicitor-general, who was, he supposed, the organ of Government on this occasion, to take the sense of the House on the resolutions *seriatim*, instead of giving the go-by to them by moving the previous question. What was there in the first resolution to object to? Had these compromises not brought the House into contempt with the people? They had done so, and would do so. The public would hold them in contempt if they did not express an opinion on the first resolution, which was the only question before the House. If they did not do this, they would do more to bring themselves into contempt than any of the public meetings which were so much condemned in that House could effect.

Mr. *S. Crawford* apprehended that the previous question, if carried, would have the effect of throwing the resolutions overboard. He was prepared to vote for the first and second, but he had intended to oppose the third resolution. He did not think that if they permitted the parties which had appeared to be guilty before the committee to go without punishment, it was right to punish the elective bodies. If they were fit subjects for disfranchisement, those who were guilty of bringing them into that condition ought to be punished as well. He thought the measures before the House would be totally ineffective in removing the evils of corruption and bribery, and that more extensive measures must be passed before it could be said that anything like purity of election was attained. He wished, therefore, if he voted against the previous question, to guard himself against being supposed to approve of the third resolution.

Mr. *Turner* asked, if hon. Members could say that the six boroughs were worthy of disfranchisement on evidence so little worthy of credibility as much that had been taken? He considered that he was exercising a just discretion in not voting for the third resolution, believing as he did that the evidence given before the committee was open to the strongest censure.

Mr. *Roebuck* would shortly notice certain observations which had fallen from some hon. Members in the course of the debate. The Member for Reading had chosen to speak in a way which he thought the hon. Member would be sorry for on reflection. The hon. Member had indulged in certain pompous language, which did not affect one single tittle of the facts of the case. The hon. Member had not impugned one single tittle of the evidence which affected himself. This was the only answer he would make to those observations of the hon. Member which reflected on him (Mr. Roebuck) personally. They were beneath the hon. Member and that House. The hon. and gallant Member for Harwich had objected to the evidence, because, he said, that he was no party to the compromise, as the agent concerned was not engaged by him. Now, let the House refer to the evidence, for there was nothing like going to the book. The following question was put to Mr. Currie—

> "Were you treating for the two principals, Mr. Attwood and Major Beresford?—Yes; I had previously to that seen Major Beresford. Did Major Beresford give you any verbal or written engagement to surrender his seat?—He gave me a written undertaking."

[Major *Beresford:* The letter was addressed to Mr. Attwood, and not to Mr. Currie.] His object was to prove one circumstance, which he had stated as forming a portion of this compromise—namely, the withdrawing from a seat in Parliament. Then, with regard to Lewes: one of the hon. Members (Mr. Fitzroy) was asked—

> "You were cognizant that there was an arrangement to give up all the actions that were pending?—Yes."

He would give no answer to all the declamation which had been indulged in about the principles of the English Constitution and judicature, and that class of language, but would call the attention of the House to this circumstance—that all the facts which really tell against individuals were communicated by themselves, and that they came voluntarily before the committee to do so. He certainly sent for other persons besides the principals; but when they appeared, they voluntarily told everything which appeared in the evidence. Could then the truth of what these parties said of themselves be doubted for a single instant? He did not see how the House could doubt the existence of all these compromises, which the parties themselves said they entered into. [Here Mr. Roebuck was called upon to read the whole of the answer given to the question respecting the arrangement to give up the actions.] He would do so:

> "You were cognizant that there was an arrangement to give up all the actions that were pending?—Yes. I do not know that if I had been consulted I should have made that agreement if the arrangement had not been made. It was suggested after the whole thing was over. It was not suggested before the arrangement was made, but after whatever arrangement was made. And after what the counsel had done, whatever writing they had between them, it was as if they had forgotten. and they said, 'Of course, it is understood;' and I said then, 'That it must be so.'"

He said then that this arrangement was

sanctioned by the hon. Member. [Mr. *H. Fitzroy:* Not at all. I was no party to the arrangement.] He asked whether that was an answer to the statement he made? He said that a compromise had been entered into, to which the hon. Member was in some shape a party, the object being to get a seat, and to escape inquiry into acts of bribery. With this view, Mr. S. Harford vacated his seat, to avoid the investigation, and the hon. Member got the seat, and the allegation of bribery was not entered into. He now came to the question before the House, and he would state how far he agreed with the right hon. Baronet opposite, and where he disagreed. He agreed with the right hon. Baronet's statement that the understanding upon which the committee was appointed and went into the investigation of these cases was, that they should inquire into the system, and not endeavour to inculpate individuals. He went further than this, for if he conceived that the resolutions he had proposed would have the effect of inculpating individuals, he would not have proposed them; but he believed they went no further than the course suggested by the right hon. Baronet. Supposing there had been no bill to prevent corrupt practices before the House, he should have come down and proposed some legislative measure on the subject; but there being a bill before the House, he had not taken that course, but proposed that the House should establish an additional safeguard against the repetition of the transactions he had exposed, by declaring them to be a breach of privilege; and he could not conceive how this was a greater censure than asking for a bill for the purpose of preventing these transactions, which he must always have described in the words of the resolutions. He asked whether this was not a fair argument; and he really and sincerely asserted to the House, that when he framed these resolutions he did it with the most anxious care to prevent them from having even the appearance of a retrospective operation. When he made his statement in the early part of the evening, he said that his object was to guard against a bad system, and not to inculpate individuals. He thought that all the Members on the other side had misunderstood the third resolution. It only meant this—"pass a bill providing a safeguard against these practices; but until the bill is passed, suspend the writs for the boroughs named in the resolutions." Therefore, when they talked of the wholesale disfranchisement of these boroughs, they were frightening themselves by a sort of phantasmagoria. He should leave the resolutions, such as he had propounded them, to the House. He did not think the hon. and learned Solicitor-general had met his resolutions in a fair and straightforward manner. He had not come fairly forward and said, "I think your resolutions bad;" but he wished, by a side wind, to defeat propositions which he knew to be true, without incurring the odium of declaring that that which was true was not true, and that these compromises were not what they really were. He thought such a course would lower the House in the estimation of the public, and destroy its influence and power. The hon. Member had talked of universal suffrage and the ballot, but the hon. Member would find, that the getting rid of these resolutions in the manner proposed would be one of the most potent arguments in favour of those measures; and if he chose to become a prophet, he would bid the hon. Member look forward and anticipate in consequence of the vote the House was about to come to for getting rid of these resolutions, that the people of the country would think that the Members of that House were so deeply imbued with the vices of the system, so mixed up with the bad proceedings by which elections were carried, that they could not declare them to be bad, and so guilty themselves that they could not accuse others.

Major *Beresford* said, the hon. Member had tried to impugn a statement which he (Major Beresford) had made. But upon what grounds? Because Mr. Currie had seen him. How did that prove Mr. Currie to be his agent? [Mr. *Roebuck:* He acted for you.] Mr. Currie's evidence proved the contrary. He said in his evidence, when asked to give in the list of voters, who were supposed to be bribed at Harwich, he could not do so, as it was not his property, but the property of those for whom he acted. The committee then sent to Mr. Attwood, and that Gentleman said he was willing to give in the list; and upon that Mr. Currie gave in the list without consulting him. By this proceeding Mr. Currie proved he was not his agent. If Mr. Currie had been his agent, what right would he have had, according to his own statement, to give in the list without consulting him. On this he stood; and the hon. Member for Bath had no right to describe Mr. Currie as his agent. But it was said that he saw Mr. Currie. That was miserable quibbling; and individuals must indeed be very cautious if they were to be told by legal authority that seeing a man was making him their agent, and rendering them answerable for his acts.

The House divided on the previous question, namely, that "the question be now put."—Ayes 47; Noes 136: Majority 89.

List of the AYES.

Aglionby, H. A.
Bowring, Dr.
Brocklehurst, J.
Brotherton, J.
Bryan, G.
Cave, hon. R. O.
Cobden, R.
Crawford, W. S.
Currie, R.
Duncan, G.
Duncombe, T.
Dundas, Adm.
Ebrington, Visct.
Ellice, rt. hon. E.
Escott, B.
Ewart, W.
Hastie, A.
Heathcoat, J.
Hill, Lord M.
Hindley, C.
Hollond, R.
Howard, hn. C. W. G.
Hutt, W.
Langton, W. G.
Macnamara, Major
Mangles, R. D.
Martin, J.
Morris, D.
Napier, Sir C.
O'Connell, D.
O'Connell, M. J.
Pechell, Capt.
Philips, M.
Plumridge, Capt.
Protheroe, E.
Somers, J. P.
Tancred, H. W.
Thornely, T.
Tufnell, H.
Turner, E.
Villiers, hon. C.
Ward, H. G.
Wawn, J. T.
Williams, W.
Wood, B.
Wyse, T.
Yorke, H. R.

TELLERS.

Roebuck, J. A.
Hume, J

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Capt.
Allix, J. P.
Antrobus, E.
Arbuthnott, hon. H.
Arkwright, G.
Astell, W.
Baird, W.
Baring, hon. W. B.
Barrington, Visct.
Bateson, R.
Blackburne, J. I.
Blackstone, W. S.
Boldero, H. G.
Borthwick, P.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Bruce, Lord E.
Buller, Sir J. Y.
Burrell, Sir C. M.
Chetwode, Sir J.
Clayton, R. R.
Clerk, Sir G.
Cockburn, rt. hn. Sir G.
Colebrooke, Sir T. E.
Colquhoun, J. C.
Corry, rt. hon. H.
Cripps, W.
Damer, hon. Col.
Darby, G.
Dawnay, hon. W. H.
Dick, Q.
D'Israeli, B.
Dodd, G.
Douglas, Sir H.
Douglas, Sir C. E.
Douglas, J. D. S.
Duncombe, hn. A. E.
Eaton, R. J.
Eliot, Lord
Estcourt, T. G. B.
Farnham, E. B.
Feilden, W.
Fitzroy, Capt.
Fitzroy, hon. H.
Fleming, J. W.
Flower, Sir J.
Follett, Sir W. W.
Forbes, W.
French, F.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gladstone, T.
Gordon, hon. Capt.
Gore, W. R. O.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grant, Sir A. C.
Greene, T.
Grimston, Visct.
Hamilton, W. J.
Hamilton, Lord C.
Hampden, R.
Hardinge, rt. hn. Sir H.
Hardy, J.
Hawes, B.
Henley, J. W.
Hodgson, R.
Hogg, J. W.
Hope, hon. C.
Hornby, J.
Howard, hn. E. G. G.
Howard, P. H.
Humphery, Ald.
Hussey, T.
Inglis, Sir R. H.
Jermyn, Earl
Jolliffe, Sir W. G. H.
Jones, Capt.
Kemble, H.
Ker, D. S.
Knightley, Sir C.
Lascelles, hon. W. S.
Law, hon. C. E.
Lefroy, A.
Leicester, Earl of
Lincoln, Earl of
Lockhart, W.
Lowther, J. H.
Lowther, hon. Col.
Lyall, G.
Lygon, hon. Gen.
Mackinnon, W. A.
M'Geachy, F A.
Martin, C. W.
Masterman, J.
Morgan, O.
Mundy, E. M.
Neville, R.
Newry, Visct.
Nicholl, rt. hon. J.
Norreys, Lord
Northland Visct.
Packe, C. W.
Palmer, R.
Palmer, G.
Peel, rt. hon. Sir R.
Pemberton, T.
Polhill, F.
Pollington, Visct.
Pollock, Sir F.
Praed, W. T.
Pringle, A.
Pulsford, R.
Richards, R.
Rose, rt. hon. Sir G.
Rumbold, C. E.
Rushbrooke, Col.
Seymour, Lord
Sheppard, T.
Smith, rt. hon. R. V.
Somerset, Lord G.
Stanley, Lord
Stewart, J.
Stuart, H.
Sutton, hon. H. M.
Taylor, J. A.
Trench, Sir F. W.
Vane, Lord H.
Vivian, J. E.
Wilshere, W.
Young, J.

TELLERS.

Fremantle, Sir T.
Baring, H.

The question, therefore, was not put on the resolution.

Mr. *Roebuck* moved the second resolution as follows:—

"That all such practices are hereby declared to be a violation of the liberties of the people, and a breach of the privileges of this House, which it will in all future cases strictly inquire into and severely punish."

Mr. *Hume* wished to ask, as the Government had sanctioned by their vote all these abominations [*great laughter*]—oh, no, not abominations to Gentlemen opposite, for they delighted in them—they lived by them, but he wished to know whether the right hon. Gentleman, the Chancellor of the Exchequer would now grant the Chiltern Hundreds to those Gentlemen to enable them to complete their corrupt arrangements?

The *Chancellor of the Exchequer*: If

the hon. Member will make the application on his own behalf I shall be prepared to consent to it.

Mr. *Hume* understood from that answer that the right hon. Gentleman would grant it, because if he would grant it to him he would not refuse it to any one else. He, therefore, wished the public to understand, that, after all the time that had been so ably devoted by the hon. and learned Member for Bath to bring these practices to light, the Government did consider them as not worthy to be punished in future, nor to be inquired into. They had received the sanction of the House, and, moreover, the Government would grant to those individuals the Chiltern Hundreds to enable them to complete their corrupt arrangements.

Previous question put on second resolution, and negatived.

Mr. *Roebuck* then said, I was led to the third resolution by the conduct of the right hon. Baronet himself. I ask him this plain question. "Why the writ for Nottingham was ever suspended at all?" It has been said that writs ought not to be suspended save with a view to disfranchisement. We went into committee avowing that we wished not to affect individual boroughs, yet, notwithstanding that, the right hon. Baronet sanctioned the withholding the writ, and upon mere hearsay. He has now all the facts proved. How does he get out of this difficulty—that he withheld the writ on my bare hearsay assertion, and that he now grants it, when everything I alleged has been proved? I, at all events, will move:—

"That whereas in the late elections for Harwich, Nottingham, Lewes, Reading, Falmouth and Penryn, and Bridport, the present laws have been found insufficient to protect the voters from the mischievous temptations of bribery, it be ordered that Mr. Speaker do issue no writ for any election of Members for the said towns till further legislative enactments have been adopted to protect the purity of elections."

Resolution negatived.

House adjourned at one o'clock.

HOUSE OF LORDS,

Friday, July 29, 1842.

MINUTES.] BILLS. *Public.*—1°· Corn Duties Repeal.

2°· Insolvent Debtors; Assessed Taxes; Grand Jury Presentments; Manchester, Birmingham, and Bolton Police.

Committed.—Fisheries; Primrose Hill.

Committed and Reported.—Stamp Duties; Game Certificates; Municipal Corporations; Rivers (Ireland).

3°· and passed:—South Australia; Poor-law Amendment; Court of Chancery Offices Abolition; Election Trials; Wide Streets (Dublin); Prisons.

Private.—*Committed and Reported.*—St. Briavel's Small Debts; Joint Stock Banking Companies.

PETITIONS PRESENTED. By the Earl of Glengall, and the Earl of Mount Cashell, from the Grand Jury of Queen's County, Physicians and Surgeons of Limerick, Medical Practitioners of Donegal, supporters of the Killala Dispensary, and Governors of Mayo Infirmary, against the Medical Charities (Ireland) Bill.—By the Earl of Glengall, from Charles Patteson, for the production of a letter written by him to Mr. Dennis Phelan; and from the Guardians of the Poor of Lowtherstone, for Inquiry into the conduct of the Poor-law Commissioners (Ireland).—From Schoolmasters of Scotland, for better Remuneration.—From Wm. Stuckey, for Inquiry into the mode of Filtration.

AGRICULTURAL EDUCATION IN IRELAND.] The Earl of *Clancarty* referred to the report of the commissioners on Irish education, particularly that part of it which contained a recommendation that a model school should be established in connection with the national schools for the purpose of promoting skill in agriculture. This recommendation had been sanctioned by the late Government; but no active steps had been taken in promoting this object. The present was a particularly favourable time for laying the foundation of a good agricultural education, as all classes and parties were now bent on promoting the agriculture of Ireland. He wished to know, whether Government intended to withdraw the support given to this plan by the late Government.

Lord *Wharncliffe* replied, that they did not mean to interfere with that plan.

Lord *Monteagle* was much gratified to hear this announcement on the part of the present Government.

SUDBURY DISFRANCHISEMENT.] The Marquess of *Clanricarde* said, that after going into a close examination of the subject which this bill embraced, and looking at the present state of the Session, he did not think it possible that the matter could be brought to a satisfactory termination this Session. Three days would not be sufficient for hearing the evidence, and these were all that could be spared.

Lord *Brougham* concurred.

Order of the Day for the second reading of the Bill discharged.

The House adjourned.

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HOUSE OF COMMONS,

Friday, July 29, 1842.

MINUTES.] NEW WRIT. For Nottingham, *vice* Sir G. G. Hochpied Larpent.

BILLS. *Public.*—1°. Lighting Towns (Ireland); Canada Loan; Slavery (East Indies); Court of Chancery Offices. 2°. Bankruptcy Law Amendment; Militia Pay.

Committed.—Lunacy; Dublin Boundaries; East India Bishops; Lunatic Asylums (Ireland).

Reported.—St. Asaph and Bangor Preferments; Lunatic Asylums (Ireland); Four Courts Marshalsea (Dublin).

3°. and passed:—Ordnance Services; Western Australia.

Private.—2°. Sewell's Divorce.

Reported.—Crawfurd's Estate.

PETITIONS PRESENTED. From Bristol, for the Tobacco Regulations Bill.—From Ashton-under-Lyne, for declaring Brewers Casks not Distrainable for the Rent of their Customers.—From Northwich, Middleton, Manchester, Girvan, and Leek, for the Repeal of the Corn-laws.

CASE OF DR. M‘DOUALL.] Sir *J. Graham* said, he perceived by the notice paper that the hon. Member for Finsbury intended to present a petition from Dr. M‘Douall this evening, and to submit a motion to the House upon it. The hon. Gentleman had submitted his motion in this particular form, in consequence of the Standing Order adopted in April last, which made it competent to the House to discuss any petition complaining of a personal grievance, which pressed for a remedy. He understood that the person whose grievance was intended to be brought under the consideration of the House was not in custody, but at large on bail. At present, therefore, there was no personal grievance suffered; had there been, he would not have asked the hon. Gentleman to postpone his motion. But as the parties were at large, it would be a great convenience if he would adhere to the customary usage in presenting petitions, and give notice of the precise motion he intended to make. As a point of form, there would be greater advantage in adopting that course. He would state that he had yesterday written to the magistrate, requesting to be furnished with a full report of the proceedings in the case. He had not yet received the report, but he expected to receive it by Monday. It would, therefore, be more conducive to the ends of justice, if the hon. Member would postpone any motion he might be desirous of bringing forward until Monday, on which day her Majesty's Government would give him every facility for bringing forward his motion. He requested as a personal favour to himself, that the hon. Member would postpone his motion to Monday.

Mr. *T. Duncombe* would be happy to accede to the proposal of the right hon. Baronet, and would postpone his motion, on condition that he should have precedence on Monday. He would now confine himself to presenting two petitions. He thought certainly that those petitions came within the rule which allowed a discussion to be raised on the presentation of a petition, complaining of an immediate public and personal grievance. The petitioner had been held to bail for six months when he had committed no offence, but had merely exercised his right of attending a public meeting. which the police, acting upon the law laid down by the right hon. Baronet, had chosen to interpret as illegal. The first petition which he would present was signed by the chairman of a public meeting consisting of 5,000 or 6,000 of the inhabitants of Deptford, complaining of the conduct of the police in arresting Dr. M‘Douall; and the other was from Dr. M‘Douall himself, a surgeon, residing in Hampton-street, Walworth, complaining of the conduct of the police in interrupting a public meeting, and arresting him—of the hardships which he had endured in the station-house, and of the obstacles which had been thrown in his way, to prevent his procuring evidence to show that the charges of the police were unfounded. After the petitions were brought up, he should move that they be printed.

Petitions to be printed.

RAJA OF SATTARA.] Mr. *Hume* presented a petition from Puntaub Shean, the deposed Raja of Sattara, who was now a state prisoner at Benares. He had last year offered a petition to the House on the same subject, but as it was written in the Mahratta language, and unaccompanied by an English translation, it had been withdrawn. He now presented a petition from the same individual, written in the English language. The petition was signed at Benares, on the 8th of January, 1842, and was sealed with the seal of the Mahratta kingdom of Sevajee. It was attested by four inhabitants of Benares, and by a magistrate. The petitioner stated that he was the lineal descendant of Sevajee, the founder of the Mahratta empire; that he was now the legitimate head of the Mahratta empire; that in 1819, on the deposition of the Peisshwa, he had been restored by the British Government as a feudatory of the British empire; that from that period up to the year 1835, he hade njoyed the unlimited confidence of the Court of Directors, who, in that year, had sent him a sword of honour, and stated that his conduct was worthy of the imitation of the other native princes; that since that period he had been deposed, under the circumstances related in the petition. In 1836 he was accused of plotting against the British Government, but his whole life ought to have been a sufficient answer to such an accusation; that the Governor of Bombay was empowered to procure evidence against him, as having violated the treaty which he had entered into, but he referred to Presidents Duff, Bing, and Robinson, in testimony of its faithful observance; that he was accused of conspiring against the British Government, and entering into a treaty with the Portuguese Government to procure 3,000 troops from Goa; that an inquiry was instituted which was kept a secret from him; and that notwithstanding, the whole evidence against him was declared to be worthless. He stated that his principal servant was seized and imprisoned; that he was kept for twenty-two months in prison, in a state of torture, till he signed a document to save his life; that the charge of procuring 30,000 troops from Goa was so absurd, that the House could not give it credence; that he never had more than 1,500 troops, and that to attempt any such proceeding as he was charged with, was totally at variance with his character; that his brother was placed in his stead on the throne, who was proved, under his own hand-writing, to have conspired to injure the interest of the India Company; that he (the Raja of Sattara) had private property to the amount of 350,000*l.* taken from him; that he was seized by the orders of Sir J. Carnac in his palace, to which he was never after allowed to return; and that he suffered all these losses upon the vague charge of bringing troops from Goa, whilst he was never heard in his own defence. He therefore solicited from the House a consideration of his case, and an investigation into the treatment which he had received; that the vast power of England need fear no alarm, and that it would tarnish the glory of her Majesty's reign if an individual, once her Majesty's faithful ally, now her prisoner, did not receive her protection. That was the petition; and as it was one of importance, he begged to bring it up, and to move that it be printed.

Motion agreed to.

On the motion that the House resolve itself into a Committee of Supply,

DANISH CLAIMS.] Mr. *Hutt* said, he would detain the House a very short time. He could assure the House that it was with considerable reluctance that he had been led to bring on a new subject, at so late a period of the Session. but the parties who had entrusted the case to his hands, felt that their interests would be prejudiced by delay. The Danish claims had existed since 1807. In that year an expedition was fitted out, for the purpose of guarding the Danish fleet, by this Government. The Danish Government naturally felt exasperated by such a proceeding, and reprisals took place, and the Danish government confiscated the book debts of certain British subjects; and, proceeding further, they seized all British vessels and British cargoes which they were enabled to lay their hands upon. In regard to the first of these, compensation had been granted; but the Crown had refused to make compensation to the other parties, on the ground that they were involved in the same situation as the subjects of all other nations, whose property fell into the hands of enemies at the first outbreak of a war. On the other hand, these parties said this was not a true description of the case, as the war had not taken place at the time of the capture of their property, and they were not apprised whether they were reprisals. That was the view taken by the claimants themselves, and that was the light in which he looked at that subject. The point for the consideration of the House was, whether or not the course that had been pursued was a declaration of war. It had been maintained that the Government of Denmark was, at the period to which he alluded, at war with the Government of this country; that the Danish Government had seized upon British property by way of reprisals, and that, therefore, war had commenced between the two states. The late Attorney-general, the Member for Worcester, who had made the most elaborate and complete defence of this case, was of opinion the war had actually commenced. But, unfortunately for his learned Friend's argument, no such document as had been alluded to had been found in the office. It was true that a document had been found in the office which was considered as a declaration of war, but the document was not looked upon by the Sovereign of Denmark, or the people of that country, as such a declaration. That document emanated from a small town in Denmark, and it was signed only by the authorities of that town. It was, therefore, with great astonishment that he had heard his learned Friend, the late Attorney-general, describe that document as a declaration of war. It was not considered so by Denmark, nor by the authorities in this country. Now, with respect to the facts of the case. A Danish vessel, called the *Orion,* was captured in the year 1807, and the subject of the legality of the capture was brought before the Admiralty shortly afterwards. Lord Stowell had decided, that any vessel taken previous to the month of November was not a prise of war. Neither the Danish Government nor the British Government had ever considered that we had been at war, previous to the declaration of war by the Government of Denmark. If that were the case, he contended that the parties now in question were justly entitled to the compensation which they sought. But, even though they had not such a title as could be strictly enforced, the House would recollect, that the equitable right of the parties had been admitted by themselves upon various occasions. He really thought they would, now, be hardly justified in reversing their own repeated decisions. And, after the House had allowed the claims, it would not become the Government of this great country to shelter themselves under forms or technicalities in refusing them. They should consider what was due to the dignity of the House of Commons, and not decline to accede to the repeated manifestations of its wishes. He would not press the subject further upon that occasion. He should only say that, if compensation were denied to these parties, such a course would be discreditable to the Government, unworthy of the character of Parliament, and would remain a scandal on the annals of this country. He would say no more upon the subject, and would not press any motion respecting it. He should not have brought the matter under the consideration of the House that evening, in the midst of the many public questions which called for their immediate deliberation, and, in the present unsettled state of their finances, were it not that the parties interested felt that their case might be prejudiced by observing a total silence. He had introduced the subject, principally for the purpose of reserving the rights of parties, and, in order that it might not be supposed, upon any future occasion, that they had abandoned their claims.

Mr. *Hume* was glad that his hon. Friend did not intend to press his motion, at the same time he was anxious to make one or two observations. This question was one in which the national honour was concerned, and it had been longer before the House than any other. Twenty-three years ago he had first divided in favour of these claims. Then the whole of the claims were refused. Since then, after a lapse of twenty years, two-thirds of those claims had been granted, and one third only now remained. After three decisions of the House in favour of those claims, faith ought to have been kept with the claimants. He thought that both the late Government and the present Government in refusing the demands of these claimants, were wrong. If there were any error in regard to dates, that ought not to stand in the way of their doing justice. In the estimates for the present year they had voted a sum of 10,000*l.* to settle some Portuguese claims, which were due in 1810. Therefore, the length of time which had elapsed ought not to prevent justice from being done. Her Majesty's Government were willing to pay away money where there was no claim, but they refused to pay a just claim. This obstinate denial of justice was discreditable to the Government. They had voted a sum to liquidate the claims of M. Sampayo, which had accrued from 1808 to 1814. There had been no objection made to pay foreigners why should there be any objection to pay English claimants? He hoped that the Government would see the propriety of taking the question into their serious consideration before the next Session, and would pay the last third due to the Danish claimants; who would, even if that was paid, suffer severe loss, inasmuch as they would only have been paid the principal, and have lost the interest for thirty-five years.

Question again put,

The *Chancellor of the Exchequer* said, he should be perfectly ready, when the hon. Gentleman brought the subject forward, to express his views upon it. At present it could not have been discussed without causing the delay of other business. He had already expressed his opinion on those claims, which expression of opinion had not been given merely since he sat on that side of the House, for when he had sat on the other side he had supported the then Chancellor of the Exchequer in his opposition to these claims. He agreed with the hon. Member for Montrose that if a claim was a just one, length of time could be no bar to its admission, but he could not agree that because they had voted a sum of money to Mr. Sampayo, therefore, they ought to vote a sum of money to the Danish claimants.

The claim of Mr. Sampayo, was admitted; the only question in debate was as to amount, in the ascertaining of which time, of course, had been occupied. The discussion of the Danish claims rested upon a different footing. He could not admit the justice of those claims. The concession of them would involve the country in incalculable expense on some future occasion.

Subject at an end.

SINGING CLASSES.] Lord *Palmerston* wished to know from the right hon. Baronet whether Government were prepared to give the sanction of the Crown to an application of some portion of the education grant to the encouragement of the singing classes in Exeter-hall. When the question was before addressed to the right hon. Baronet, he understood the right hon. Baronet to express himself disposed to afford that encouragement, but to require further time for consideration. Perhaps the right hon. Baronet would now say whether he had sufficiently considered the subject.

Sir *R. Peel* said, he had not yet been able to give sufficient attention to the subject, and would scarcely be able to bring forward any specific vote in the present Session. The subject was not yet sufficiently matured, but his own feeling was in favour of affording public aid.

AMERICAN CORN.] Mr. *Thornely* wished to say he had received statements from several merchants connected with the American trade, begging him to communicate them to the House. It seemed that they had learned from the reports of the Debates in Parliament, that the right hon. Baronet (Sir R. Peel) had lately asserted, on the authority of Mr. M'Culloch, that no great amount of corn could be imported from America, and that the principal importation into this country would be from Dantzic. This they affirmed was incorrect. These merchants stated they laboured under great disadvantages from the operation of the sliding-scale. They also wished the Government to be reminded that there was a paper laid on the Table of the House in February last, from which it appeared that the exports of the United States, from the year 1790 to the year 1838, of wheaten flour alone had been 1,100,000 barrels per annum; and they state that if they were exempt from the operation of the sliding-scale they could supply this country with a considerable quantity of provisions. One of these Gentlemen stated that he would import corn if there were a fixed duty, but that now not knowing whether the duty would be 8*s*. or 18*s*. per quarter, he did not venture to import it. It had been said, on the authority of Mr. M'Culloch, that America herself had imported corn, but that occurred only in the year 1837, and then it imported only 500,000 quarters. That was an unusual circumstance, and even at that time exportation was going in many of the American ports. He had thought it right to make these statements because many gentlemen had been under the apprehension that the Government had not properly considered the subject. He was sure that the right hon. Baronet at the head of the Government must be as anxious as any to increase our trade with the United States of America.

Sir *R. Peel* said, of course he could only answer for himself, and this would be admitted by the hon. Gentleman, that supposing in any one year, from particular circumstances, there should be a failure of the harvest in America, and they should import corn to any great extent, no inference could be drawn from this casual circumstance. It was of great importance that they should extend their trade with the United States; but there was this inconvenience in discussing these questions in the House of Commons, that when any one corrected what he considered an exaggerated statement, he was supposed to entertain an opinion the very opposite to it. Thus, because he had doubted some statements of the probable amount of the importation of corn from America, it was thought he had been represented as believing that no corn would be imported at all from that country, and that he had told the agricultural interest that no such importation would take place. He believed the statement to be an exaggeration, and that was all the observation he had made. He did not entertain the opinion that had been ascribed to him, for he believed that flour would be brought into this country from the United States under the existing law, and in considerable quantities; and he should be sorry if the law should interfere with the trade in flour and provisions between the two countries.

Mr. *Ewart* said, he had understood the right hon. Baronet to say, that considerable quantities of corn and flour would be imported from America under the existing law. Now if the law did not have that effect, they should have a claim on the right hon. Baronet for the reconsideration of that law. He should bear in mind the declaration the right hon. Baronet had made this day.

Mr. *Williams* said, that from what he had seen of the country, he believed that a considerable quantity of flour and provisions, the produce of the western States, would be brought in. But of course the cost of the transit would be very great. It was not generally known, that the Americans were the largest consumers of articles of clothing in the world. They were the best clothed people he ever saw, and he had been through most of the countries of Europe. An American would deprive himself of almost any comfort rather than not be well dressed according to the average opinion. There never was a more favourable period for their entering into a commercial treaty with America. America was on the eve of making a change in her tariff, but there was a strong party there most anxious for an increased intercourse with this country; and if her Majesty's Government encouraged that disposition, they could establish a favourable treaty of commerce.

Supply.—Civil Contingencies.] The House resolved itself into committee.

Sir *George Clerk* moved that 70,000*l.* be granted for the civil contingencies for the year ending in 1843.

Mr. *Williams* said, he felt it to be his duty on behalf of the distressed people of this country, to protest against many items in this grant. He thought many of the items were discreditable to those by whom they were claimed, and an insult to the distress of those who were called to pay them. The first to which he would call attention was an item of 96*l.* for the entertainment of the Bishop of Exeter and his suite, during a passage from Plymouth to the Scilly Islands in 1838, a passage which was only of a few hours' duration. He thought it would be well if the Bishop of Exeter would read the Scriptures, and see how his divine Master and the Apostles travelled. He pretended to be the servant of the one and the follower of the others; and yet, though he received about 6,000*l.* a year from his bishopric, and the charge for the suite of the Bishop of Jerusalem all the way to Jaffa was only 20*l.* 5*s.*, he (the Bishop of Exeter) charged 48*l.* a day for visiting places in his diocese. Another was an item of 65*l.* 6*s.* 7*d.*, "for the entertainment of the Duchess of Kent and suite, during a passage to Ostend and back." Her Royal Highness was allowed 30,000*l.* a-year, and such charges should not be made. Another was an item of 235*l.* 10*s.* for the entertainment of Lord Sydenham, Governor-general of Canada and suite, during certain passages on the lakes in Canada. He believed Lord Sydenham's salary was 7,000*l.* a year, and consequently, there was no necessity for such charges. Other items were those of 394*l.* 10*s.* 6*d.* for incidental expenses of the embassy at Wirtemberg, and 800*l.* 8*s.* 9*d.* for those of the embassy at Tuscany. As their only functions being to entertain the nobility of this country, he maintained that these embassies were of no political or commercial service whatever, and their abolition would, therefore, effect a saving of useless expenditure to the amount of 6,500*l.* a-year. Another was an item of 87*l.* 10*s.* "for the entertainment of the Crown Prince of Bavaria and suite, during a passage from Athens to Ancona," places not even in her Majesty's dominions. Another was an item of 73*l.* 10*s.*, "for the entertainment of certain foreigners of distinction on board her Majesty's steam-vessel Vesuvius. What for? Why should they not pay their own expenses? Surely it was enough to find them ships, without taxing the country to pay for their entertainments. Another was an item of 334*l.* 15*s.*, for the passage of Robert Steuart, Esq., her Majesty's chargé d'affaires at New Granada, from Liverpool to Boston." He had come from Boston to Liverpool, and had been as well entertained as any gentleman could wish to be, and it did not cost him more than 35*l.*, while Robert Steuart, Esq., charged 334*l.*, though his income of 1,600*l.* a-year was going on all the time. Other items were "800*l.* for passage-money due to Mr. S. M'Kenzie on returning from the government of Ceylon;" "242*l.* 4*s.* 3*d.* for the passage of the Bishop of Barbadoes and Chaplain to Antigua, and for the hire of a schooner during his visitations through the archdeaconry of Antigua," and "530*l.* 8*s.* to Sir G. Arthur, late Governor of Upper Canada, for his passage home." These charges were all exorbitant and unnecessary. It was impossible the money could be spent in the manner alleged. Another item was one of 422*l.* 14*s.* 9*d*, "for robes, collars, badges, &c., for knights of the several orders." Surely the country ought not to be called upon to pay for these. He thought, also, that the item of 350*l.* "for investigating certain points relative to the charter of incorporation of Sheffield," ought to be defrayed by that city, and not by the people generally, who had no interest in the matter. The items of 2,270*l.* for the salaries and expenses of the officer for carrying into effect the regulations of the penny postage, and of 550*l.* "to the civil engineer, for services on works connected with the Caledonian Canal," ought to be carried to the respective accounts of those undertakings. There was also an item of 500*l.* to Captain J. W. Pringle, "for services in Canada." He should like to know what those services were. To mention one more only among many others, there was also one of 923*l.* 1*s.* 6*d.* to Lord Campbell, "being the usual allowance on his appointment as Lord Chancellor." He should like to know why the people were to pay that? He believed Lord Campbell had been very anxious to get the office, and was well paid for his services. The hon. Gentleman concluded by requesting some information from the Government respecting these items, and protesting against their being defrayed by the public.

Colonel *Sibthorp* said, these things were the acts of the late Government, and the hon. Gentleman had supported them in and out of office. Look at the expenses they had caused. He had often complained of their innumerable commissions. He had a great objection to the whole of those commissions, and he could wish to see them burnt, as some of them had been. He never saw such a profligate Government, and he hoped he never should see another. He was surprised that the hon. Member for Coventry should still sit behind that Government when they were disgraced. The hon. Gentleman had missed one item of their work, and that was the imperial penny postage job. Then there was the item to Mr. Rowland Hill of 1,500*l.*, and the item to Mr. Cole. But the greatest of all was the Monteagle job, added to the Campbell job—a pretty pair. With regard to the outfit for Lord Campbell, he thought that the articles purchased with that money ought to be returned and sold. They would produce but little, but in the present exhausted state of the Treasury the smallest donation would be thankfully received — or they might be kept as an exhibition, to show the job which had been perpetrated. If the hon. Gentleman would divide the House against that vote, he would divide with him. Doubtless, he should be told, as he had been when he had objected to the vote of 16,000*l.* to the Member for Bolton for his expenses in his travels, that the money had been paid. The grant was a gross and unpardonable grant, and he looked for something better from her Majesty's present Government. If they did not do better, they should not have his support. He was not for a low, niggardly economy, but he was for a proper economy. This expense had been incurred after that House had come to a vote of want of confidence in the late Government, and it was disgraceful.

Sir *C. Napier;* With reference to the sum of 96*l.* for the entertainment of the Bishop of Exeter on board of one of her Majesty's ships, observed, that the sum appeared to be considerable. He should say that about 30*s.* or 40*s.* a-day ought to be sufficient for such a purpose. There was no one who had any experience of naval matters could deny that it would be most inconvenient and disagreeable, if captains of the navy were to be under the necessity of demanding payment from those persons of distinction whom they might be ordered to take on board their vessels; but, though it was quite right that the State should defray those charges, he did think the sum now demanded was beyond reasonable limits. He also thought that there was another objectionable charge, namely, 235*l.* for the passages of Lord Sydenham on the lakes.

Sir *G. Clerk* said, that captains of ships of war were frequently directed to take persons of distinction on board, with the full understanding, of course, that the expenses of their entertainment should be defrayed by the Government. Those expenses had been fixed according to certain specified rates, which rested, it was supposed, upon just principles. Those rates or scales were, of course, regulated by the rank of the parties and the number of persons in their respective suites. The charge for entertaining the Bishop of Exeter and those by whom he was accompanied, on his visitation of the Scilly Islands, was a charge actually incurred so far back as the year 1838, though not paid till 1841. The occurrence took place four years ago—he was not prepared to say what length of time was occupied in the visitation, but he did not hesitate to affirm that it took a much longer time than the hon. Member for Coventry appeared to suppose. With respect to Captain Pringle, the officer who accompanied Lord Sydenham, he was a gentleman who had rendered considerable service, and it was the opinion of all to-whom the question had been submitted that he was fairly entitled to the sum granted him, the more especially as he was not in the receipt of any salary. As to the sum payable to Mr. Rowland Hill, he was quite ready to admit that it would be convenient in all cases to have sums estimated for beforehand, and not left to be introduced into the civil contingencies, but he thought that this case might fairly be considered an exception to the general rule. Mr. Hill was originally engaged for a period of two years; since then the arrangement with him had been extended to a third year, ending in the month of September next. Intimation had been given to Mr. Hill that after the termination of the third year the Post-office and the Treasury would be able to carry on the business of the department without his assistance.

The *Chancellor of the Exchequer* said, that there was no accommodation for the Bishop of Exeter in the Scilly Islands, and that the captain who took him out there was under the necessity of accommodating the right rev. Prelate and all who accompanied him on that, his first, visitation, which occupied a much longer time than had been stated by the hon. Member for Coventry.

Mr. *Hume* believed, that no individual who was ever employed in the public service had been worse paid than his hon. Friend, the Member for Bolton. He was only paid at the same rate as other commissioners, but, contrary to the usual practice, he never was paid a shilling, except when on actual duty; and he knew that there was a balance now due to the hon. Gentleman, who never had been paid, very much, as he thought, to the discredit of the late Government. He objected to many of the items included in this grant, but he requested an explanation of certain of them, more particularly the sum of 20,000*l.* for postages, and the extra expenses of the Foreign Ministers.

Viscount *Palmerston* said, if hon. Members were aware of the practical utility of civil missions, they surely would not object to any expenses that might be incurred in carrying them out. With regard to foreign missions, it had been his lot to increase our relations with foreign states. He had accredited some of the smaller German states, with whom, before, we had no direct communication, to some of our foreign missions, available for that purpose; and the most valuable information, as to European affairs, frequently came collaterally from those smaller states. As to the "passages" which formed part of this vote, some of the sums seemed large; but he believed they were justified by the occasions which had given rise to them. One of them was a charge for the passage of the Crown Prince of Bavaria to his own kingdom, on the throne of which he had been placed by England, in conjunction with other European powers. With regard to what had been said, relative to the claim of his hon. Friend for Bolton, it was quite true that there was a sum due to him, which had not been paid by the late Government. He was not aware of any reason for not satisfying the hon. Gentleman's claim, and he, for one, should support any vote for his payment. The House was, probably, aware that the amounts fixed on the civil list were only the salaries of the Ministers, and did not include any incidental expenses, such as messengers, carriers, postages, &c. He had, when in office, reduced the salaries of those employed on the diplomatic service considerably, and, he believed, their salaries were now quite as low as those of the Ministers of France, Austria, and other parts. He was firmly convinced, with regard to our diplomatic services, that no Government in Europe—no Government in the world, was so well served as the Government of this country had been, during the time he had a knowledge of the manner in which they had performed their services. The expenses of postage were also fixed according to a certain regulation.

Dr. *Bowring* wished to call the attention of the House to the importance of having direct communication with the Turkish Government. He believed, at that moment, they had no means of holding any intercourse with the Sovereign, except by the agency of strangers, and he thought that was a state of things which ought to be remedied. The state of things, at present, was very unsatisfactory. Many of the families from which the dragomans were taken had reached a state of opulence, and the interests of the country, and one or two others, were entirely in their hands.

Sir *R. Peel* said, that there was a vote for the education of youth in the eastern languages; and there was, moreover, a remedy against the dragomans. An instance had, not long ago, occurred of a mistake made by a dragoman, upon which he had founded an answer in that House, in consequence of which the dragoman had been suspended.

Dr. *Bowring* was convinced, if English feelings were represented by English manners, in oriental countries, the best results would be effected.

Viscount *Palmerston* said, that he agreed with the views of the hon. Member for Bolton; but he must say, that he found the dragomans very faithful in the discharge of their duty. Before he left office, he proposed that attachés should be added to the Turkish embassies, for the purpose of learning the Turkish language; and he accordingly wrote to the Vice Chancellors of the two Universities to nominate a Gentleman from each University for those appointments. The Universities had accepted that proposal, and one Gentleman from each University had been, accordingly, appointed; and there were now four persons attached to the embassies, who understood the Turkish language.

Sir C. *Napier* said, he observed that a sum of 1,600*l.* was set down as an allowance for the Commissioners for the settlement of Portuguese claims. It appeared to him, that it would be better to allow those gentlemen a certain sum, in case the claims were finally adjusted, than to grant them a yearly allowance.

Sir *R. Peel* had heard many complaints of delay and dilatoriness. He had requested his noble Friend, the Secretary of State for Foreign Affairs, to make inquiries on the subject, and he believed that no unnecessary delay had been interposed. In fact, he was satisfied that the utmost diligence had been used by the commissioners. The claims were, some of them, of a very peculiar nature. Some most extravagant demands had been made. It was but just, both to the claimants themselves, and to the Portuguese Government, that these claims should be strictly examined and scrutinized, before they were admitted. He was not inclined to interfere with the Commissioners.

Colonel *Sibthorp* expressed his surprise, that the Hon. Member for Montrose had not objected to the additional sum of money which it was proposed to pay to the hon. Member for Bolton. He (Colonel Sibthorp) did not wish to derogate from the merits of the hon. Gentleman; but he had objected to the former grants, and as the late Government had not brought the grant forward last year, he hoped the present Government would object to it, and leave the Members of the late Government to pay it themselves. He should certainly oppose the grant.

Vote agreed to.

SUPPLY—EDUCATION—SINGING.] On the resolution that 10,000*l.* be granted for public education in Great Britain for the year 1842.

Dr. *Bowring* asked, whether it was the intention of the Government to make a grant for national singing. The right hon. Gentleman, the other night, mentioned with eulogium Mr. Hullah, but he did not allude to the exertions of Mr. Mainzer, who had done wonders upon this very interesting subject.

Mr. *Hume* reminded his hon. Friend, that on a former occasion, the right hon. Baronet, the Secretary of State for the Home Department had declared, that it was not the intention of the Government to ask for any grant upon the subject during the present Session. He believed there were many funds existing available for the education of the people, and he hoped the right hon. Gentleman would direct his attention to the subject.

Mr. *Cowper* had, with pleasure, on a former occasion, heard the right hon. Gentleman express the intention of Government to give encouragement to the education carried on at Exeter Hall. He hoped, that that would not be a mere barren promise. Objections had been made on account of this mode of instruction not being connected with religious instruction; but he could not suppose, that the mode of education imparted at Exeter-hall, could ever become the subject for a normal school. It could only be a school of method. He thought it was exceedingly injudicious on the part of those who supported education upon the principles of the Church of England, to obstruct the efforts of other schools. Why not adopt the school of method at the diocesan schools, and at King's College, for instance? He hoped next year a grant would be proposed for encouraging this sort of education.

Mr. *P. Howard* wished something done for the Roman Catholic schools. The Roman Catholic Members had been more liberal than the Protestants, having concurred, without cavil, in many votes for purposes exclusively Protestant, while a party of the Protestants had resisted even the small grant yearly proposed for the College of Maynooth.

Mr. *O'Connell* said, that this was a grant to which every individual in the community was called on to contribute, and from which, as it was at present distributed, no Catholic could benefit. There were two societies authorised to superintend the distribution of this grant, the National School Society, and the British and Foreign School Society. The first was a society connected with the Established Church, and the second was connected with the Protestant Dissenters. The Catholics were, therefore, necessarily excluded from deriving any benefit from this grant, not by any direct rule, but because they could not conscientiously send their children to the schools under the superintendance of these societies. The want of a participation in this grant was felt most severely by the Catholics in England —a large portion of the lower orders were Catholics. A great many poor Irish Catholics who came to England for employment, were absolutely deprived of the means of educating their children. It was not fair, nor just, nor reasonable, that the benefit of the grant should be confined to Protestants, it ought to be for the education of the children of the people of England generally. He had pressed the noble Lord, late at the head of the Government, on this subject, and he believed that noble Lord had been as ready to resist him as Gentlemen on the other side. Some years ago, in the State of New York, the educational grant had been given to a Voluntary Society, constituted on somewhat similar principles to this society; and in consequence the Catholics had been able to participate in it; but during the last Session, a law had been passed, putting all Christians on a footing of equality. That example ought to be followed. He hoped, that for the future, a portion of the grant would be devoted to the Catholic schools. They did not wish to escape from superintendence; on the contrary, they invited the utmost vigilance, and were willing to conform to any regulations that might be laid down in matters of literature, morals, and manners. All they asked was, that Catholics should be educated in their own religion.

Vote agreed to.

Supply—South Australia.] On the question—

"That a sum not exceeding 59,936*l.* be voted to her Majesty to enable her Majesty to liquidate certain bills drawn by the Government of South Australia since the year 1840."

Mr. *Hume* must have further explanation before he agreed to the vote. At present the House knew nothing of this expenditure. There was plenty of land in South Australia, which might be sold by degrees in order to pay this money, and why, therefore, should the people of England be taxed to pay it.

The *Chancellor of the Exchequer* said, poor individuals had gone out to the colony on the faith of their proceedings in Parliament, and were unable to support themselves when they arrived there, and the bills had been drawn for maintaining such of the population as were absolutely destitute of any means of support. The Governor had not thought it right to refuse to sanction those bills, when the lives of so many persons depended on it as a means of subsistence.

Mr. *B. Wood* should like to ask the noble Lord the Secretary for the Colonies whether this was to be a gift or a loan. [Lord *Stanley:* A grant.] This sum, together with the sum voted last year, amounted to 355,000*l.* Were they to have any more grants or loans of this kind this year? [Lord *Stanley:* No more will be required.] He was very glad to hear that. Why were not all these sums charged upon the colony, to be paid hereafter when the colony was able? The present mode of proceeding appeared to him to be merely squandering money. Governor Gawler had drawn the bills because he saw this country would pay them. The grant was one which the House ought not to be required to make.

Lord *Stanley* said, he would not enter into the question of the grant made to the colony last year, which there was no prospect of its repaying. A part of that sum, 85,000*l.*, lent on bonds in the colony, and for which this country paid interest, would be repaid whenever the colony was able to repay it. With regard to this vote of 59,000*l.*, it was part of the debt under which the colony was labouring. 155,000*l.* had been advanced to the colony by Parliament; there was 85,000*l.* bond debt advanced from the colony, and 56,000*l.* due to the land fund. The committee appointed to inquire into this question had reported that the ordinary revenue of the colony was 30,000*l.* a-year, and that the ordinary expenditure, which had been increasing, was about 70,000*l*, a-year, and though the committee hoped that some reduction might be made in this item, they could not speak with any confidence on the subject. They hoped that in due time the colony would yield an ample revenue, but some time must elapse before the revenue would be sufficient to make up the deficit without an appeal to the mother country. At the time of Captain

Grey's arrival out in the colony its expenditure was at the rate of about 90,000*l.* over and above the interest of the debt. But Captain Grey had reduced it from 90,000*l.* to between 30,000*l.* and 40,000*l.*, and it was hoped that next year it would be necessary to call upon Parliament for little or nothing to assist them. It had been for the immediate purposes of the colony, and to cover the distress occasioned partly by the debt, that Captain Grey had been obliged to incur a heavy expenditure for the maintenance of persons absolutely in a state of pauperism. He (Lord Stanley) repeated that he had every expectation that next year a very trifling sum, if any, would be required in aid of this colony. He had given directions to reduce the expenditure, but those reductions must be the work of time, and if Parliament refused assistance at present, the colony would be seriously injured. He had even gone so far as to send out instructions to the Governor of Australia, that if the additional labouring emigrants could not find employment there, it would be his duty to have them removed to New South Wales, where there was employment, (and those instructions had been communicated also to the Governor of New South Wales), and that they should not be kept upon the resources of South Australia or of this country. Time must be allowed to carry out these instructions; and he trusted the committee would not, by refusing to sanction this vote, leave the colony in the meantime in a state of embarrassment. He did not mean to justify the former expenditure, but this vote was necessary to the prosperity of the colony.

Mr. *W. Williams* attributed the increase of the debt to the mismanagement of the commissioners. If the colony had been kept under the control of the Colonial Department the debt would never have been incurred, and the colony would have been now in a prosperous state. Still, the fault was not so much attributable to the commissioners as to the Colonial-office, for they had represented to the Colonial Department that the powers with which they were invested, were insufficient to enable them to conduct the affairs of the colony with success. He was glad, however, now to hear that a change was to take place.

Mr. *Hume* expressed a hope that the noble Lord the Secretary for the Colonies would take the land in the colonies as a security for the repayment of the debt.

Mr. *Ward* said, this debate became exceedingly irksome, inasmuch as the subject had been already discussed *totidem verbis* three times already. He could not agree with his hon. Friend behind him, (Mr. Hume), for if the land was taken as a security, it would upset the principle on which the colony was founded. He should vote with the noble Lord, on the principle of making the best of a bad bargain. He believed there had been gross mismanagement, but for it the House of Commons was in part responsible in having passed a bad bill in the first instance. He concurred with the hon. Member for Southwark, in thinking the noble Lord ought to furnish the House with a return of the names of those hon. Members on both sides of the House who were interested in these loans. For himself, he never had an acre of land in the colony, neither was he interested in the colony beyond a desire to see it prosper. He desired to see such a return, and if it was made the subject of a substantive motion he should second it; but at present he should vote with the noble Lord, as for the most just plan that could be adopted to extricate the colony from the difficulties in which it was placed.

Mr. *Hume* said, he had opposed the first bill, and therefore did not paritcipate in the blame cast upon the House for having passed it. The mismanagement had arisen from the authority being divided between the Colonial Department and the commissioners. If the noble Lord meant to apply this vote as a gift, he would take the sense of the committee against such an application.

Mr. *P. Howard* thought that nothing was more impolitic than to depreciate this colony in the public estimation. The course which had been taken by his hon. Friends around him was one which would prevent the colony emerging from its difficulties. He felt convinced that Government had taken a manly and patriotic course in sanctioning this grant. He trusted they would not be deterred by the Opposition, from granting that moderate support which would aid the efforts of their predecessors. There was no doubt that a great part of the money was employed in taking labourers to South Australia who, if they had remained here, would have been thrown on the poor-rates and become the victims of penury.

The committee divided: — Ayes 75; Noes 13: Majority 62.

List of the AYES.

A'Court, Capt.
Arkwright, G.
Baring, hon. W. B.
Barrington, Visct.
Bernal, R.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Browne, hon. W.
Bruce, Lord E.
Clayton, R. R.
Clerk, Sir G.
Cockburn, rt.hn.Sir G.
Colebrooke, Sir T. E.
Corry, rt. hon. H.
Cripps, W.
Dick, Q.
D'Israeli, B.
Douglas, Sir H.
Duncombe, hon. A.
Eliot, Lord
Flower, Sir J.
Follett, Sir W. W.
Ffolliott, J.
Forbes, W.
Forster, M.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone,rt.hn.W.E.
Gordon, hon. Capt.
Gore, M.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Hamilton, W. J.
Hampden, R.
Hardinge, rt. hn.SirH.
Hardy, J.
Henley, J. W.
Herbert, hon. S.
Hope, hon. C.
Howard, P. H.
Hussey, T.
Jermyn, Earl
Lascelles, hon. W. S.
Lincoln, Earl of
Litton, E.
M'Geachy, F. A.
Mitchell, T. A.
Mundy, E. M.
Napier, Sir C.
Nicholl, rt. hon. J.
O'Connell, M. J.
Pakington, J. S.
Palmerston, Visct.
Parker, J.
Peel, rt. hon. Sir R.
Peel, J.
Polhill, F.
Pollock, Sir F.
Seymour, Lord
Sheppard, T.
Smith, rt. hon. R. V.
Somerset, Lord G.
Stanley, Lord
Sutton, hon. H. M.
Tancred, H. W.
Taylor, T. E.
Trench, Sir F. W.
Vane, Lord H.
Vivian, J. E.
Wall, C. B.
Walsh, Sir J. B.
Ward, H. G.
Wood, Col. T.
Young, J.

TELLERS.

Fremantle, Sir T.
Pringle, A.

List of the NOES.

Aldam, W.
Brotherton, J.
Curteis, H. B.
Duncan, G.
Ewart, W.
Heathcoat, J.
Morris, D.
O'Connell, D.
Philips, M.
Pulsford, R.
Thornely, T.
Wawn, J. T.
Williams, W.

TELLERS.

Hume, J.
Wood, B.

Vote agreed to.

SUPPLY—INDIA AND CHINA.] On the question that 272,921*l.* be granted for the army, navy, and ordnance services for China and India,

Sir *E. Colebrooke* inquired what part of this expense belonged to India? it seemed to him to relate only to China.

Sir *H. Hardinge*, in answer to an hon. Member said, that six regiments had been sent out to India to replace the regiments that had been sent thence to China. This had been done at the request of the East-India Company, who would bear the whole of the expense. These six regiments had been replaced by other regiments raised in England since. The extra expenses which appeared in the vote were chiefly for China.

In answer to Mr. M. Philips,

Sir *H. Hardinge* said, that every regiment in the service was supplied with new arms and accoutrements every twelve years; whether the East-India Company would bear the expense of the arms and accoutrements of the six regiments that had been sent out, would depend upon whether they were near the time for their receiving new arms and accoutrements or not.

Sir *C. Napier* should like to see some explanation of the large promotion that had been made in the navy since the 1st of January of this year. He had by him a long list of a number of mates who had been many years in the service, and though he did not at all quarrel with the fifty-nine mates who had been made lieutenants, he did not see why some of that list had not been promoted, as they ought to have been. Some of the mates in that list had passed their examinations as long ago as 1820, others in 1827, and so on down to 1835. He should recommend that the Government should come forward boldly and manfully and make out two lists, one of efficient and the other of inefficient officers, and rigidly abide by that arrangement. They ought to take care when vacancies took place that they should be filled up on a rule, that one vacancy should always be given for long services, and the other to favour interest and influence. He said they should be given in this proportion, because, though of course he would much prefer that all vacancies should be given to merit, yet, in the present state of this country and under a representative Government, the First Lord of the Admiralty would always find it impossible to resist his political Friends. He did not blame the Admiralty for this; as human nature was constituted it could not be avoided at present; but he thought the plan of supplying vacancies which he had proposed would be beneficial to the service, advantageous to the navy, and good for the country. In general, he must say that hitherto the present Government had carried on things in the navy very fairly. He said this without reference to any but public considerations; the Government had nothing to give that he wanted, and he must say that he believed there was a disposition to inquire fully into the condition of the navy during the ensuing recess. He hoped and trusted, and he was almost perfectly certain, that the Government, now they had got a full exchequer, meant to set things to rights in the navy. Mr. Perceval used to say, "Give me a full exchequer and a good navy and I defy the world." That was his sentiment; and he hoped it would be borne in mind, for if something was not done in the navy he believed the country would be in imminent danger in case of a war.

Sir G. *Cockburn* said, the handsome terms in which the gallant commodore had spoken of the Government would render it necessary for him to say but a few words. The gallant Commodore had found fault with the promotions that had been made this year; but if he looked into the subject he would find that nobody of the younger class of officers had been promoted except for gallant deeds. Among the promotions were some officers who had been six or seven years off the coast of Africa, and who came home, the only officers that were left, the rest having all died. The Admiralty having considered that these were peculiar circumstances, and that they should be justified in promoting officers so situated. They had been anxious to make a large promotion of mates, and they laid down a line which had the effect of excluding all those who had passed only six years, and then they took those who had been most at sea. Many of the young officers who had been promoted, were those who had served in China. He could assure the hon. Gentleman that the utmost attention was paid at the Admiralty to the claims of persons, whether for length of service, or for service afloat, and he did believe that if he were required, he could give a satisfactory reason for every promotion that had taken place.

Mr. *Hume* said, great as was the zeal of the hon. and gallant Officer on behalf of the navy, he, at least, showed that he was not an efficient guardian of the public purse. Out of 4,000 officers who were on the navy list, not more than 800 were really employed. He had moved for returns by which he would be able to show that in many cases mere boys had been passed over the heads of 3,000 officers of old standing, when they had not served three months over and above the six years. The great evil of our system with regard to promotion in the navy was that we allowed interest to supersede services. The navy was little more than a mere pension list for the aristocracy. He did not mean to say that there was one officer in 500 but was desirous to do his duty to his country; but there were too many of them, and the system of promotion was bad. How many had they seen promoted who were mere boys of 10 or 12, scarcely able to walk, but who were now actually taking a lead in the service. He did enter his protest against the wholesale system of promotion recommended by the hon. and gallant Gentleman. However just such a system might be to individuals it was unjust to the public, and in that view he opposed it. Why should the Admiralty have an unlimited power of promotion? Why not limit the number of officers as in the army?

Sir C. *Napier* said, there the officers were, and they must be provided for. He did not see how the country could get rid of them, unless, indeed, a little prussic acid were administered. The hon. Gentleman who had just spoken knew nothing at all of what he was talking about. If, instead of moving for all those nonsensical returns, the hon. Member would assist him to get the Government to make out a list of efficient and non-efficient officers, and to give a pledge that they would not increase the number beyond the wants of the service, he would be of much more use.

Mr. *Hume*: It is very easy for the gallant officer to get up and say I know nothing about the matter, but I think that looks much more like the answer of an ignorant man, who knows nothing at all what he is talking about. He should have thought the hon. and gallant Member had had more shot in his locker. The hon. and gallant Member talks about nonsensical returns. It is very foolish to talk in that way. He says, I moved for nonsensical returns—what does the hon. Member mean by that? He says, I moved for foolish returns. I know the gallant officer thinks I am a fool. I am a fool. But is not the man who supports a fool a greater fool than the fool himself? Did not the hon. and gallant Member support me in four or five divisions for the purpose of getting these very same nonsensical returns? [Sir *C. Napier*: Just to show you were wrong.] Then the hon. Member supported him just to show he was wrong. He could tell the hon. and gallant Member that he had not properly considered what he said when he said that. The object of those returns was to show what had been the services of officers, and he defied the hon. Member, with all his experience, to get at the actual services without such returns as he had moved for. All he would add was, that the hon. and gallant Member had undoubtedly made a very foolish speech.

Captain *Plumridge* said, that the promotions which had taken place had all been richly deserved, and that the Government were entitled to the thanks of the service for what they had done. They had not acted niggardly in reference to the navy as the Whigs had done, and the course they had taken had given the utmost satisfaction throughout the service. It should be borne in mind that no officer had been promoted who had not served ten years, and this was not all, for if they had not certificates of good conduct during the whole of that period they would not have been advanced in the service. The hon. Member for Montrose had always evinced great niggardliness towards the navy, but he was quite wrong in supposing that promotion was the result of patronage. He had, with one exception, obtained all his steps by service, and if the Chiltern Hundreds were granted to him to-morrow, he had no doubt if he went to the Admiralty and asked for a ship he would get it. His observations did not apply to himself individually, but to the service generally.

Mr. *M. Philips* understood it was the privilege of every admiral on a station, on resigning his command, to recommend an officer for promotion. He wished to know how many such appointments, on an average of years, were usually made?

Sir *G. Cockburn* said, the only restrictions attending these recommendations were, that the officer must have served under the admiral recommending, and that his conduct whilst employed must have given satisfaction to the Admiralty. It had formerly been the practice to allow admirals to make two recommendations, one of a lieutenant to be commander, and another of a mate to be lieutenant. Now, however, the admiral was only allowed to make one nomination. With respect to the main question of the hon. Gentleman, he would at once see that the promotions upon those recommendations could not be very extensive, for we had only five admirals commanding on foreign stations, and they could be only entitled to the nomination once in every three years.

Mr. *D'Israeli* wished to remark, before this vote was put, that as they had already assented to several votes of money for the prosecution of the war in China, he thought it would be well if the Government would give them some means of judging as to when they might anticipate the probable termination of that war.

Sir *R. Peel* said, that of this war, like many other wars, it was not easy to foresee exactly how long or how short might be its duration. All he could say was, that every effort should be made to terminate the war. Indeed, they had shown their anxiety on this point by not disregarding temporary exigencies, but by asking for supplies in the hope of bringing the war to an end.

Mr. *D'Israeli* observed, that it was a fact that this war was carried on on a principle utterly erroneous, because it was a war against the government of China, and not against the people. Had they made war on the nation the dispute would have been terminated long since.

Sir *R. Peel* said, the only question was if, whilst they were carrying on a war against the commerce of China, they would not be also carrying on a war against the commerce of England. It certainly seemed to him to be our best course to abstain from making such a war.

Mr. *M. Philips* wished to ask in what manner it was proposed to apply the 6,000,000 of dollars received for the ransom of Canton. Were they in voting these estimates in fact applying that money, or would the Government give any explanation as to how they intended to dispose of it?

The *Chancellor of the Exchequer* said, he had already in an early part of the Session explained the application of the money alluded to. A portion of the sum —about he believed, 680,000*l.*—had been applied to our service in India, and the remainder had been brought home and paid into the consolidated fund, to be made available for our services in India and China.

Vote agreed to.

On the question, that the Chairman do leave the Chair,

Mr. *R. Yorke* said, he wished to put a question to the Chairman on a matter of privilege. He was informed, that in the division on the South Australia vote, the vote of an hon. Gentleman who came into the House just before the division was objected to on the ground that he was not present when the question was put. This was to him a matter of considerable personal importance, for of all the Members in the House, there were few, perhaps, more regular in their attendance than himself, whilst also there were few whose names so rarely appeared in the division list. The fact was, that he never gave a vote unless he distinctly understood the question, and he should certainly like to know what the rule was as regarded Members who were not present when the question was formerly put.

Dr. *Bowring* observed, that he was very similarly situated to the Member referred to by the hon. Gentleman. He had entered the House before the strangers had left the Gallery; but yet he was prevented from voting on the ground, that he had not been present when the question was put.

Mr. *Greene* said, the fact was, that he had put the question before clearing the Gallery, being under the impression, that it was not intended to divide the committee upon the vote. Had he known, that the hon. Member for Montrose intended to divide, he should certainly have cleared the Gallery in the first instance, and then time would have been given Members to re-enter the House.

House resumed.

Resolutions to be reported.

NOTTINGHAM NEW WRIT.] Mr. *S. Crawford* said, that in moving that a new writ should issue for the borough of Nottingham, he wished to call the attention of the House to the reasons which induced him to take an interest in this question. A petition had been committed to his charge, signed by 1,700 electors and inhabitants of the borough of Nottingham, which petition he presented to the House last week. This petition complained of the grievance which the borough of Nottingham suffered in not being permitted to have its due proportion of Members during the discussion of most important measures relative to the interests of the country. The petitioners prayed the House immediately to issue a writ to supply the deficiency in the case of Nottingham. Those who did him the honour to intrust this petition to his hands, requested that he would make a motion founded on that petition, that a new writ be issued for the borough of Nottingham. In making this motion, he should not trespass on the time of the House by offering many observations, but he thought it right to submit a very few points to the consideration of the House. He admitted, that this question should be viewed as a general one with reference to the writs of other boroughs in a similar situation, and he conceived, that the House was in a position which did not justify it in any longer withholding the writs from those boroughs, and from the particular borough in whose behalf he now spoke. He was the last person to give any countenance to those practices which the report of the Election Proceedings Committee had disclosed, and he conceived, that he was authorised to say, for those on whose part he was now endeavouring to persuade the House to issue the writ for Nottingham, that they disapproved of such practices as much as any Member of that House could. He conceived, that the object of the petitioners was not to promote any corrupt practices or improper compromises, but that they wished by the fair exercise of the elective franchise, to defeat any corrupt return or practice. He felt he was justified in saying, that the persons who signed the petition he presented would not, whatever candidate they might support, permit any unlawful practices, but would rather suffer the election to be lost, than join in such practices, trusting to an appeal to that House to set them right. Such he believed to be the sentiments of the petitioners whose petition he had presented; and he thought there could be no reason for withholding the writ, except it were to punish the borough, to disfranchise it, or to suspend the writ until a remedy were adopted. Now, the report of the Election Proceedings Committee itself conveyed the impression, that it was not the object of the House to enact a punishment as the result of that report; but, nevertheless, if they continued to suspend these writs, they would be practically punishing the electors without their being tried. Another motive for suspending the writs might be suggested—namely, that some remedial measure should be adopted, previous to their issue. There was a bill in progress through the House, the object of which was to provide a remedy against corrupt practices, but he wished the House to observe, that that bill would, by the 19th clause, operate on the elections. The 19th clause provided that all the provisions of the act should apply to any election which might have taken place, or might take place, after the 1st of June. Therefore this bill, if it should pass the Legislature, would apply to any election for the borough of Nottingham. Under these circumstances it would not appear just any longer to withhold the issue of the writ for the borough of Nottingham. If it was the intention of the House to disfranchise the borough, then let an open course be taken for the purpose of disfranchisement; but let not the House practically disfranchise the borough without taking the regular means for doing so. He should not contend whether the borough ought to be disfranchised or not; but he was undoubtedly of opinion that the House ought not practically to disfranchise the borough in the manner he had described. He would not further trespass on the time of the House. His object had been to state his motive for moving for the issue of the writ, and he should reserve to himself the right to reply, should a reply be rendered necessary by any observations in opposition to his motion. He now moved

> "That the Speaker do issue his warrant to the Clerk of the Crown to make out a new writ for the election of a burgess to serve in the present Parliament for the borough of Nottingham, in the room of Sir George Gerard de Hochepied Larpent."

Mr. *Hume* said, he was one of those who voted against the writ being issued on a former occasion, but after the proceedings of last night, when the House stultified itself, he thought there was no use in refusing the issue of the writ any longer. He had expected that the right hon. Baronet opposite, consistently with the opinion he expressed when the hon. Member for Bath moved for a committee of inquiry, would not have stopped short of declaring that the practices for which the Nottingham writ had been temporarily suspended were an offence against the privileges of the House. But the right hon. Baronet had concurred with the majority in thinking that they ought not to express any opinion as to whether those practices were a violation of the liberties of the people, and a breach of the privileges of the House. The majority of the House having so acted, he now thought it better that the whole of the writs should be issued without further delay. This was acting fairer than holding out to the public the pretence that they were desirous of punishing and correcting those abuses. They had fallen far short of that, and he for one was unwilling to be a party to hold out the appearance of doing something and yet to do nothing.

Mr. *Bernal* said, that if he had been present last night he should not have voted in favour of the resolutions of the hon. Member for Bath. He thought it was perfectly idle (and so far he agreed with the hon. Member for Montrose) to suspend this writ for Nottingham, or the other writs for other places, which had been hung up lately in that House; but there was another more important consideration. He was not one of those who looked with so much horror at these compromises which were spoken of; he would not throw stones at the unfortunate people who had been the victims of these disclosures; but there was another matter which affected him more deeply, and which filled his mind with disgust, fear, and apprehension for the consequences. He feared that that House might accumulate about itself more disrespect than it was at present subject to, in consequence of the result of that committee, which had been moved for by the hon. Member for Bath, and in consequence of the facts there detailed in evidence. He knew well enough that the existence of those circumstances were suspected before; but now that they were dressed up with the authority of the House, they assumed a different aspect in the eyes of the people. Taking the case of Nottingham, he found that 16,000*l.* or 17,000*l.* had been spent in that election, though it was concluded in the short space of an hour, or less than an hour, and 2,000 out of 5,000 persons had accepted bribes. Every species of disgraceful enormity was committed, so much so, that a noble Lord, whom he now saw in his place, and who felt so strong a desire to purify the representation, took extraordinary measures with the view of lessening the evil. Now, when these elections were to commence *de novo*, it was a painful reflection for a man, after quitting that House, where he had been attempting to discharge his duty, to think that no remedy was applied (for at that period of the Session there was no prospect of applying a remedy) to the abuses which had been disclosed. There were more serious considerations than these, arising from what were designated corrupt and disgraceful compromises. He spoke not only in reference to Nottingham, but other boroughs; and in the case of Harwich, out of 182 electors 80 or 90 received bribes of no small a nature. He was aware that the report of the Bribery Bill was standing on the Order Paper, and they had been told that there were to be some clauses to have the magical effect of putting an end to treating and other corrupt practices by the end of the Session. God knew what the fate of that bill would be! But at this period of the Session, when so near its close, nothing had yet been done to suppress those enormities. He called the attention of the hon. Member for Montrose, who was so sore at what appeared to him (Mr. Bernal) a more light part of the case, to this fact. He wished the hon. Member to direct his indignation against what was more serious. It was therefore with sorrow and disgust he quitted this subject, because he saw no one positive step taken to provide a remedy for repressing enormities which it was the duty of the Legislature to put a stop to.

Mr. *R. Yorke* said, he thought there was in the House a strong tendency to stultification. He must, however, make an exception for himself. He had the highest regard for the 1,700 petitioners, but knew that they were not the majority; and, therefore, with all his admiration for them, he must, until there had been adopted more effectual means for purifying the borough from the impurities that had been exposed—he must oppose the issuing of the writ. As touching the law on the subject, he might observe, that though the new bill had been discussed, perhaps decided, in that House, it had yet to pass through another ordeal, and that, therefore, the House was in the same situation substantially as when they had started. When they had commenced these proceedings they had opposed the writ, and now he knew not on what grounds the writ should be issued.

Sir *R. Peel*: Sir, when the House resolved to inquire into the alleged corrupt compromises affecting the borough of Nottingham, and the committee had power to inquire into the extent of bribery which had been practised, I willingly consented to the postponement of the writ; for I thought that it would have been inconsistent to support a committee with very extraordinary powers, and immediately to issue the writ for a new election. But now the committee have made their report, and there is nothing in that report which induces me to suppose that it is their opinion that measures ought to be taken for the purpose of disfranchising the borough. You have no recommendation in the report of ulterior proceedings. So far as Nottingham is concerned, that being the case, I think it would be unconstitutional to consent to the indefinite postponement of the writ. But then it is said, there will be more corrupt practices. Now, let us take the case of treating. I apprehend by the law, as it at present stands, any treating now, even before the test of the writ, would be illegal. In the case of a general election, treating before the test of the writ might not, under certain circumstances, come within the act; although, on general principles, it is illegal, yet it might not come within the statute 7th and 8th William. But in the present case, there being now a vacancy, I apprehend any man who treats at Nottingham before even the test of the writ is liable to forfeit his seat, and would be disqualified. The hon. Member seems to contradict me? [Mr. *Bernal:* was only listening.] At all events, I am certainly right in my view of the law, that if at this moment, even before the writ is issued, any candidate is treating at Nottingham he is liable to forfeit his seat. But so far as treating is concerned I think the distinction in point of time is an unwise one. It tends to raise an impression, that treating is not objectionable until after the test of a writ. Suppose, now, you remove this distinction of time, and make all treating an offence against law, I confess you will then have carried the law as far as it is possible. It is said there should be a new law on treating. Why, the law existing on the subject is as strong as it is possible to have it. Let us see now what the law here really is. There is an excellent preamble (exceedingly applicable to the present period), couched in language as strong as possible:—

> "Whereas, great and grievous complaints are made, and do manifestly appear to be true, that elections are carried with excesses and outrages contrary to the free and pure representation of the Commons of England, &c."

It is then enacted,

> "That any person who shall by any means before his election give, directly or indirectly, any meat, drink, provision, &c., or make any gift or reward, or any promise of such meat, drink, &c., or of any gift or reward, &c., any such person shall loose his seat, and be declared incapable of serving in Parliament."

Could there be stronger words? If there were any error, it was in superfluity of language: unless it were the error, of appearing to draw the distinction as to time; and I cannot help thinking, that it would be best to abolish that distinction altogether, and to enact that whosoever shall treat, either before or after an election, shall be liable to loose his seat, leaving it to the committee to determine the *animus* of any particular entertainment; in some cases perhaps a breakfast, &c., may not be of a corrupt character; but leaving it to the committee to determine that, it would be well to abolish altogether any distinction of time. The punishment is certainly severe enough, including, as it does disqualification as well as loss of seat. I hope, within the present Session, the bill under our consideration will pass, with useful clauses respecting head-money, and providing that in cases of compromise the committee may conduct the investigation at the public charge. That measure will have a retrospective effect, and will apply to the ensuing election. I cannot help expressing my conviction, that on a bill so intimately connected with our own proceedings and constitution, the House of Lords will pay sufficient deference to our judgment to pass the main provisions of the measure: of course I cannot answer for the decisions of the other House, but, at all events, it may be relied upon that I will be no party to the defeat of the bill. Therefore, if the election took place within the next few days, any description of treating now going on would be subject to investigation. If the House were to sit for six months longer we could do no more, so far as enactments go. Nor do I see any sort of inconsistency in having, when the committee was about to be appointed, voted for the suspension of the writ; and now, finding no recommendation in the report of disfranchisement, refusing to be a party to the indefinite suspension of the elective rights of some 50,000 people; I shall therefore cordially join in issuing the writ. Now, really I cannot help just adverting to the observations of the hon. Member for Montrose—of course it were impossible and useless to be angry with anything he says; but certainly if any Gentlemen differ from him in opinion, he reproaches them with "stultifying the House," and being influenced by the worst motives, and so on; giving no credit to them for honourable feeling, but rising immediately after a division adverse to his own opinions and denouncing all others in most unmeasured terms. If his disposition at all corresponded (which I believe it does not) with the harsh language he employs, and if he were vested with despotic power, he certainly would be one of the most tyrannical of men. No man who ever was the judge of an inquisition—no arbitrary tyrant could ever display more intolerance of bigotry than does the hon. Gentleman towards his political opponents. I submit to the hon. Gentleman that when others differ from him it would be more charitable and tolerant to give to all equal credit for good and honourable motives, and to avoid acting on the principle, which is the essence of all bigotry, that you must necessarily be quite right and everybody else quite wrong. [Mr. *Hume* had merely remarked on what seemed to him the inconsistency of the right hon. Baronet.] Now, that convinces me, Sir, how little the hon. Member minds what he says, for assuredly he last night accused me of countenancing all sorts of abominations, and said that I had acted quite inconsistently, and had stultified the House.

Mr. *Ward* said, that if the right hon. Baronet had not shown reasonable grounds to lead to the conclusion that the bill now in progress would be passed during the present Session,—if it were not shown that that measure would receive the sanction of both Houses of Parliament, as well as the honest support of her Majesty's Government, he thought there would be sufficient reason for still suspending the writ for Nottingham; but having proceeded so far with the Bribery Bill, he did not see that any ground longer existed which would prevent an acquiescence in the motion of the hon. Member for Rochdale. He, therefore, would consent to the motion, receiving the speech of the right hon. Baronet as an understanding that the Bribery Bill would receive the support of the Government in the other House. If the arguments used by the hon. and learned Solicitor-general against the resolutions of the hon. and learned Member for Bath were to stand good—if those resolutions were to be got rid of on the plea then put forward, and if the Bribery Bill were to to be thrown overboard by a manœuvre, then he should come to the conclusion of the hon. Member for Montrose, that the House would only stultify itself by such a course of proceeding. Thinking thus, he would assent to the proposition of the hon. Member for Rochdale, on the understanding that the Bribery Bill should pass during the present Session, and that all which occurred within the Session should come within the operation of the nineteenth clause of the bill. This, coupled with the doing away with the limitation as to the time of treating, would, in his opinion, strike at the root of the evil.

Viscount *Palmerston* said, that as the general opinion appeared to be in favour of the motion he should not object to it. His own inclination, however, would be for a postponement of the writ for a short time until the bill now in progress had passed into a law. He did not say this from any doubt of the bill passing; on that point he thought the House might make itself quite at ease; but every person could perceive the influence which the present state of things would have upon any election which might immediately take place, and the different effects which would be produced by a bill which had become law, and a bill which was still pending. He thought it would better answer the purpose which they all had in view to postpone the issuing of the writ for a week until the bill became a law, or nearly approached to being so; but, as the will of the House seemed otherwise, he should offer no objection.

Writ to be issued.

CANADA LOAN.] The following resolution was reported:—

"That her Majesty be authorised to guarantee the interest, at a rate of not more than 4 per cent. per annum, of a loan to an amount not exceeding 1,500,000*l*., for the service of the province of Canada; and that provision be made out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland for the payment from time to time of such sums of money as may become payable by her Majesty under such guarantee."

On the question, that it be read a second time,

Mr. *Hume* opposed the motion on the ground that he did not see why this country should be called upon to pay the interest of a million and a half of money.

The *Chancellor of the Exchequer* said, that if the hon. Gentleman had read with attention the papers which had been laid upon the Table with respect to this loan, he would have found that the expense would not be thrown upon the mother country. It was a loan necessary for the colony, and for the fulfilment of an honourable pledge given by her Majesty. Some public works had been commenced in Canada upon the faith of this loan, and there was not the slightest doubt that it would be of the greatest advantage to the colony, in improving its navigation, and promoting its commercial facilities.

Mr. *F. French* complained, that in spite of the pledges of the Government, and the decision of a majority of forty-four Members of that House, similar assistance had not been extended to the public works of Ireland. He did not know why such a distinction was made in favour of Canada.

Mr. *W. Williams* thought the right hon. Gentleman ought to state what those public works were, which he stated to be going on in Canada.

The House divided:—Ayes 89; Noes 9: Majority 80.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Capt.
Aglionby, H. A.
Aldam, W.
Arkwright, G.
Baldwin, B.
Baring, hon. W. B.
Barrington, Visct.
Bateson, R.
Blackburne, J. I.
Boldero, H. G.
Borthwick, P.
Broadley, H.
Brotherton, J.
Bruce, Lord E.
Buller, Sir J. Y.
Clayton, R. R.
Clerk, Sir G.
Cockburn, rt. hn. Sir G.
Cripps, W.
Damer, hon. Col.
Darby, G.
Divett, E.
Douglas, Sir C. E.
Duncombe, hon. A.
Eliot, Lord
Escott, B.
Fitzroy, Capt.
Fleming, J. W.
Flower, Sir J.
Follett, Sir W. W.
Forbes, W.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Gore, M.
Goulburn, rt hon. H.
Graham, rt. hn. Sir J.
Greene, T.
Guest, Sir J.
Hamilton, W. J.
Hamilton, Lord C.
Hampden, R.
Hardinge, rt. hn. Sir H.
Hawkes, T.
Henley, J. W.
Herbert, hon. S.
Hornby, J.
Howard, P. H.
Hussey, T.
Inglis, Sir R. H.
Jermyn, Earl.
Jones, Capt.
Kemble, H.
Lincoln, Earl of
Litton, E.
Lowther, J. H.
Maclean, D.
McGeachy, F. A.
Martin, C. W.
Meynell, Capt.
Morgan, O.
Morris, D.
Napier, Sir C.
Nicholl, right hon. J.
Palmer, R.
Palmerston, Visct.
Parker, J.
Peel, rt. hon. Sir R.
Philips, M.
Pollock, Sir F.
Pringle, A.
Pulsford, R.
Rushbrooke, Col.
Stanley, Lord
Stewart, J.
Stuart, H.
Sutton, hon. H. M.
Taylor, J. A.
Trollope, Sir J.
Tufnell, H.
Vivian, J. E.
Williams, T. P.
Wood, B.
Wood, G. W.
Wortley, hon. J. S.
Young, J.

TELLERS.

Fremantle Sir T.
Baring, H.

List of the NOES.

Cobden, R.
Crawford, W. S.
Duncan, G.
Duncombe, T.
Hindley, C.
Hume, J.

O'Connell, M. J.
Wawn, J. T.
Williams, W.

TELLERS.
Bowring, Dr.
French, F.

Resolution read a second time

Bill pursuant thereto brought in and read a first time.

Adjourned at one o'clock.

HOUSE OF LORDS,

Saturday, July 30, 1842.

MINUTES.] BILLS. *Public.*—1ª· Ordnance Services; Western Australia.

3ª· and passed:—Grand Jury Presentments (Ireland).

Received the Royal Assent.—Poor Law Amendment; Customs Acts Amendment; Exchequer Bills Preparation; Testimony Perpetuating; Ecclesiastical Jurisdictions; Dean Forest Ecclesiastical Districts; Districts Courts and Prisons; Tithes Commutation; Election Petitions Trial; New South Wales; South Australia; Slave Trade Treaties Acts Continuance; Fisheries Treaty; Turnpike Acts Continuance; Military Savings Banks; Militia Ballots Suspension; Railways; Perth Prison; London Bridge Approaches Fund; Chelsea Hospital; Wide Streets (Dublin); Linen Manufactures, &c. (Ireland); Right of Voting (Dublin University); Charitable Pawn Offices (Ireland).

Private.—Received the Royal Assent.—Southwark Improvement (No. 2); Liverpool and Manchester Railway; Mersey Conservancy; Reading Cemetery; Wicklow Harbour; Cambuslang and Muirkirk Roads (No. 2); Earl of Devon's Estate; Lord Sherborne's Estate; Gibson's Estate; Pilkington's (or Swinnerton's) Estate; Lord Lorton's (Countess of Rosse's) Estate; Calland's Estate; Duke of Bridgewater's Estate; Lord Southampton's Estate; Mostyn's Estate; Marquess of Tweedale's Estate; Bishop of Derry's Estate; Birmingham School; Coward's Divorce; Verconsin's Naturalization.

Adjourned.

HOUSE OF COMMONS,

Saturday, July 30, 1842

MINUTES.] BILLS. *Public.*—1°· Slave Trade Suppression.

Reported.—Lunacy; Dublin Boundaries.

3°· and passed:—St. Asaph and Bangor Preferments.

PETITIONS PRESENTED. From Warrington, that Brewer's Casks may not be Distrainable for the Rent of their Customers.

NEWFOUNDLAND.] On the question that the Speaker do leave the Chair for the House to resolve itself into a committee on the Newfoundland Bill,

Mr. *O'Connell* rose to move that the committee be postponed for three months, to enable a communication to be had from the parties interested. He contended that no case could be made out for the present bill. What were the facts?—In 1832 there was every reason to expect that the grant of a constitution to Newfoundland would be attended with beneficial effects; and, after inquiries had been instituted, a charter was granted on the 27th July of that year, giving them a constitution, which consisted of two houses of Parliament; one consisting of representatives elected by the people, and the other a legislative council appointed by the Crown, a governor having the power of assenting to, or withholding his consent from, the measures the two bodies agreed to. That constitution had been suspended, in consequence of some irregularities which it was pretended justified such a proceeding. But what was the state of the colony now? Upon this point he would refer to a despatch from Sir John Harvey, the governor, dated October 6, 1841, which said—

"1. The inhabitants of Newfoundland appear to be unfeignedly loyal and firmly attached to British connection. No material degree of political excitement appears at present any where to exist, but, on the contrary, an apparent approximation towards a general disposition to bury past occurrences in oblivion. The trade of the colony is flourishing; its revenues ample and increasing; the fisheries of the present year, both of seals and cod-fish, have been highly successful. 2. The apparent suspension of their representative constitution, so recently conferred upon them, upon the ground of their gross abuse of the elective franchise, has evidently created much apprehension in the public mind, and has, I am willing to believe, produced such a moral effect as would exert a salutary influence in repressing any undue violence in future elections, in the event of her Majesty's Government deciding on authorising me to convene another Assembly. * * * To some of the causes to which these discordant proceedings may be imputed, I may hereafter advert; at present I will merely observe, that all parties are, I hope and believe, convinced that moderation in their measures and proceedings will best accord with their true interests; and all and every individual of every creed, party, and denomination who has approached me, and with whom I have held communication, has expressed an anxious desire that its constitution should be restored to the island, with certain modifications."

The people were loyal and attached to this country, and how were they about to reward them? By trampling on them, and taking away their constitution. Let them not trust too much to their power to crush the people of Newfoundland. Let them remember that the French had a strong interest in the island. What were the reasons for seeking to oppress the inhabitants of Newfoundland? He regretted that he should have to state what those reasons were, but the truth must be told. They were persecuting the people of that island, because the majority of them were Roman Catholics. Mark the words used by the noble Lord opposite in his despatch in answer to that from Sir J. Harvey, from which he had just quoted. The noble Lord the Secretary for the colonies said:

"So far as my attention has yet been called to the difficulties connected with the administration of the affairs of Newfoundland, they appear to me to arise mainly from three causes:—1st. The interference of the Roman Catholic priesthood with election matters, which has led to feelings of religious animosity previously unknown in the colony, and to scenes of a scandalous character, shocking to religious and well-disposed Roman Catholics."

The grievance that he particularly complained of was, that this bill was not founded on an investigation in which both parties had been heard. All he required was, that the bill should be postponed till such an investigation was completed. In connection with this part of the subject, he would read an extract of a letter written to himself by the Bishop of Newfoundland, and dated the 25th of June, 1842:—

"My dear Lord Mayor—Your Lordship retains in recollection the committee of last year; you remember that upon the occasion of that mock inquiry the people of Newfoundland were taken by surprise, and had no opportunity of being heard either by evidence or by counsel before that body, and that the several witnesses examined—almost all, indeed I believe all, with the exception of Captain Geary, were persons who professedly had not been in that island for several years—Sir Thomas Cochrane since 1834; Mr. Brooking since 1835; Dr. Shea since 1836; and none of them present during the general election, which took place in the latter part of that year, and the occurrences and the returns at which were made the principal subjects of complaint; but the people of Newfoundland were studiously kept in the dark upon the subject of the intended inquiry, although the Legislature was sitting at the time, until accident developed it on the very last day of Session.

"Notwithstanding the House of Assembly had only a few hours of existence before them, however, they appointed four gentlemen of their body to repair to London and assist at the investigation in the expectation that they would have been examined, and that the country would have had the benefit of their evidence; but upon their arrival in London the committee was up, the Parliament shortly after prorogued, dissolved, and the ministry changed.

"Under these circumstances, the delegates of the Assembly, appointed by their unanimous vote, were received by Lord John Russell, and invited by his Lordship to put themselves in communication with the Government in writing; and in compliance with this invitation three or four important communications were made by them; and then, finding that there was no likelihood that the affairs of Newfoundland would, during that year, be brought under the consideration of Parliament, they departed from London, and returned to Newfoundland, but not before they had procured from Lord John Russell, through Mr. R. Vernon Smith, in reply, that no measure should be mooted with respect to Newfoundland without a fair and sufficient notification being previously made to the people of that colony, to enable them to adopt the necessary means of defending their constitution, a distinct pledge bearing date 30th of August, 1841, and signed by R. Vernon Smith, 'that if the House of Commons shall determine on reviving the committee on the affairs of Newfoundland, the Secretary of State will give you (the delegates) due intimation of it' and a similar pledge was subsequently verbally given by Lord Stanley to Mr. Brown, after the departure of the delegates; and by Lord Stanley, Mr. Brown was distinctly authorised to communicate that pledge to his Colleagues."

He had a right to say that faith had not been kept with the parties who opposed the bill. There was an absence of all evidence on which to proceed to the destruction of the constitution; on the contrary, the greatest blessings resulted to the people from their having obtained a constitution. A small and insignificant party was interested in the destruction of the constitution, because it would advance their own monopolising interests; but the popular party—the party benefitted by the constitution—the party interested in the internal improvement of the colony, desired the preservation of the constitution, and that was the position of the inhabitants whose interest it was now sought to crush. But let them see what were the alterations which the noble Lord proposed to make in the constitution? The first was to destroy the two Houses of the Legislature, and amalgamate them into one. Why thus mock them with the appearance, without the reality of a constitution. Let the old system be revived. Let despotism be established—let the people be punished as formerly, for making improvements in the colony—for building houses—for cultivating the land. Let there be a despotism which would be responsible, but let them not receiv a mockery of a constitution—let not their Legislature be converted into a divan. The second alteration proposed was an increase in the qualification of the Members of the Assembly. Sir J. Harvey recommended the increase in the qualification;

and he was not adverse to it. The colonists themselves were willing to increase the qualification, but this bill proposed to take the matter out of their hands. He protested against thus taking the legislation upon this subject from the inhabitants of the colony. He objected also to the change proposed to be made in the qualification of voters, which was to be raised to a 5*l.* franchise for the town districts, and a 40*s.* freehold with an occupation of two years. He contended that such an alteration would disfranchise a very large proportion of the inhabitants, and whom Sir J. Harvey considered as the most valuable part of the community. Sir J. Harvey said, in a despatch dated January 10, 1842:—

"I am of opinion that to require any rent-qualification whatever, or any property one, beyond perhaps the lowest value of a log hut (say 40*s.*), and that, in fact, can scarcely be regarded as the property of the squatter, from being erected on ground to which he can have acquired no other title than such as an unauthorised occupancy may be considered conferring upon him, would operate a very extensive disfranchisement in the country districts, without at all improving, or indeed materially changing the description of voters; and with regard to the towns, the qualifications being already restricted by an act of the local legislature to one person in each house, namely, him by whom the rent is paid, no further provision would appear to be required upon this subject."

Sir J. Harvey solicited the opinions of five "highly respectable individuals in the colony," and they all agreed that the effect of raising the franchise would be the disfranchisement of many voters. One of these gentlemen said—

"After giving the subject all the consideration in my power, I beg respectfully to say, first, with regard to voters, that it may be laid down as a general proposition that a household franchise is most suitable to the peculiar circumstances of the inhabitants of this colony. Under this circumstance, it is my opinion, that a rent or property qualification, to supersede the present unlimited system of household suffrage, would, in effect, disfranchise a large portion of the inhabitants. I hope it may not be considered presumptuous in me to state, in conclusion, my humble opinion, that if the present constitution, so generously and liberally granted by his late Majesty, has not been found to answer the expectation formed at the commencement, the fault does not lie in the constitution."

The second gentleman said—

"I consider, in the present state of Newfoundland, a property qualification impracticable and unjust; it would have the effect to disfranchise the greatest and best part of the population. In a moral and political point of view, I consider household suffrage the best that has yet been discovered. A householder is, for the most part, a husband and a father, having a fixed locality; the peace of his community, the prosperity of his country, must be dear to him."

The third expressed his opinion as follows:—

"I do not think that a rent or property qualification would be productive of much, if any, practical advantage. Household suffrage, guarded by an efficient system of registry, together with simultaneous voting under a new division of the electoral districts, such as I recommended in my communication to the right hon. her Majesty's principal Secretary of State for the Colonies, Lord John Russell, in July last, would, in my humble opinion, go far to render any other qualification unnecessary. In nearly all the other settlements the inhabitants occupy premises which have descended to them from their ancestors, or land which they have themselves redeemed from the wilderness, for which they pay no rent to the Crown, and on which they have built for the convenience of their families, and the purposes of the fishery. I would further remark that such property is in a great degree valuable only so long as it be thus occupied, and that the annual rent of an ordinary house in St. John's would be almost equivalent to the full value of these freeholds, and, in many instances, much more."

The fourth gentleman admitted that the augmentation of the franchise would deprive of the right of voting a class of persons whom he was pleased to describe as "strangers and raw youngsters recently imported from England or Ireland." The fifth gentleman who was applied to, for information, expressed himself in a similar strain. He said,

"The advantages which would result from such a regulation or law, would be to disfranchise many adventurers, arriving from the mother country or the colonies, having no property or stake in this colony, and who have, hitherto, been allowed to vote from the occupation of a hut of nominal value in the woods, or a room, as under tenant, in town."

It had been said, with respect to the subject of the finances, that the Crown ought to have the power of originating money grants, as was done in this country. Why, according to the charter, no money could be expended without the Governor's warrant. Some grants certainly could be made by the Assembly; but was that a ground for destroying the constitution? Everything that was wanted would be done. There was no necessity for thus trampling on the liberties of the people. The Catholic bishop of the colony, in the letter from which he had already quoted, stated, that the Assembly had never refused any supply—that they had always been ready to adopt any proposition made by the Governor, notwithstanding the Council had thwarted them in every possible way. He would read the passage to the House:—

> "I might go much farther; but that I feel I have already fatigued you. I might mention the extraordinary circumstance, that this much maligned House never refused whatever supplies were demanded by the Executive, however extravagant; and that, notwithstanding this, the Council were eternally thwarting them, by refusing the necessary votes for the necessary contingent expenses of the House. I might mention, that every measure that was ever recommended by the Secretary of State, or by the Governor, was ever sure, without one solitary exception, to be adopted by the Assembly, and reduced to a bill, and passed; and I might have shown you, that bill after bill of these, notwithstanding such recommendation, was thrown out by the Council, many of them even without amendment, many without reaching to a committal, and some even without a second reading. But I think I have gone far enough, to inform you generally upon the main questions connected with this bill; and even this would, probably, have been unnecessary, were it not that the official party here, who are leagued with the merchants, have, just now, entered upon a most furious crusade against the press, evidently to silence them while this measure is before the House."

He denied that the noble Lord had found the constitution suspended. The Session of the Assembly had ended in May, 1841, and it was impossible that a new election could have been held before November, because the whole adult population was absent, during the interval, at the fisheries. The deputation which had been over here on the subject had been assured, by Mr. V. Smith, that nothing should be done without due investigation. Now, he asked where that investigation had taken place? Every principle of honesty, of justice, and of fairness, was in favour of his proposition, and yet he knew that the majority of that House would support the Government, in this attack upon the liberties of Newfoundland. If the bill had been brought forward earlier in the Session, an expression on the subject might have been elicited from the people of England, who would have had generosity enough to ask for a fair trial. Why did not the noble Lord call another Assembly, as had been recommended by Sir John Harvey, and see if that Assembly would not make every necessary alteration in the existing constitution? They had stated their willingness to raise the qualification of members, and to give the Government the initiative in the introduction of grants. Under the noble Lord's plan, considerable delay must take place in calling together the Legislative Assembly. Under his plan, no such delay would take place. It had been objected that, among the members of the Assembly, there was one who could not read or write, and two who were in menial situations. Had those persons been elected by the popular party? No. They had been elected by the mercantile party to bring the Assembly into contempt. In 1836, the elections placed the anti-constitutional party in a minority, and the Government declared those writs void, because a little bit of wax had not been attached to them. At the new election, four mercantile men were elected; they refused to serve, and these persons were elected in their stead; so that the anti-constitutional party first elect improper persons, and then turn round and say, "Look at the improper persons who are elected under this constitution." Could anything be so gross or so inconsistent as this? He had received a letter which gave a history of the transaction. The writer said:—

> "It is a singular circumstance, that all the persons who were complained of as being unfit members were returned by Protestant districts. I do not blame the Protestant constituency for this, it grew out of a combination among the Protestant merchants not to take a seat in the Assembly, even though they should be elected. In the year 1836, during the administration of Captain Prescott, there was a general election, it was hotly contested in almost every district in the island, the general result was a majority in favour of the Liberal party. Shortly after, this election was declared void, owing, as it was said, to some informality in the writs. When the mercantile party could not acquire a majority, they changed their *tactique*, they seceded altogether—they not alone seceded, but they used their influence to return unfit persons. The person most complained of, was a man named Moore, he was returned for Trinity by the influence of the house of Robinson, Brooking, and Garland, and then, after thus notoriously supporting this return, they charge the disgrace of it on the Catholic constituency. I will now give you the names of Conservatives

who were returned in 1836, and who, on a new election, declined to offer themselves:—Robert Job, merchant, for the district of Bonavista; Thomas Bennett, ditto, Fogo; William B. Row, lawyer, Fortune Bay; John Shea, editor of a paper, Burin. These would have a great influence on a house composed of fifteen members, with a council exclusively Protestant; but they would not again offer themselves. Our constitution is now suspended. It is rumoured, that Lord Stanley, fortified by the *ex parte* evidence of the witnesses before the committee, is about introducing some act into the Imperial Parliament. If we are punished, it is because we are Catholic. We have, however, some hope that the justice of our cause will protect us."

The jealousy of the constitution was, in fact, jealousy of the Catholics of the colony. Up to the period of the granting the constitution, Catholics were excluded from every situation. He was perfectly ready to go into any investigation of the facts of the election, during which two outrages did occur, but the accounts of them had been grossly exaggerated. He contended that the House ought not to legislate without hearing the other party. Would they give a triumph to one party alone? He had gone through this case; he had not gone into a discussion respecting rates and taxes, because other opportunities would occur for doing that. But here was a constitution, with all the regular forms, already adopted. All the American colonies had had such constitutions conceded, and had derived advantage from them. He denied that the Roman Catholics had shown any exclusive spirit, or any wish to absorb all the funds of the colony to their own purposes. To prove this, he would read an extract from the petition of the inhabitants of St. John's, Newfoundland:—

"That in order to meet the charge of the subserviency of the Assembly to the Catholic priesthood, a glance at the records of that body will prove that in no single instance was a measure not only not passed for the promotion of exclusively Catholic interests, but such a measure was never once introduced or thought of; nay, on the contrary, the only measure that ever passed the Assembly with reference to religion, with the exception of the Marriage Act, legalizing the marriages of Catholics and Dissenters, was the granting of a sum of money to assist the Protestants of Harbor Grace, in the rebuilding the Episcopalian church, which had been destroyed by fire, which grant was proposed and seconded by Catholics, and was carried by a Catholic majority."

The bill was brought forward at a time when it was utterly impossible to give it a fair discussion; all from whom he might expect a fair hearing, or from whom the inhabitants might expect redress, were absent; nor had he the slightest hope of convincing those who were listening to him. He put the question on the foundation of plain common sense. All he asked of the noble Lord was to postpone the bill till next Session, till the House could hear what the inhabitants of Newfoundland had to say. Their delegates would then be here, and anything that was just and reasonable, they would be ready to do. But he did implore the noble Lord not to crush the colony with such a measure as this. He concluded by moving that this bill be committed that day three months.

Lord *Stanley* said, whatever difficulties the inhabitants of Newfoundland had to contend with, he was quite sure, that at no period of the Session could their complaints have been listened to more attentively than they had been on the present occasion. With the exception of one or two points, he had very little to complain of in the statement of the right hon. and learned Member; and he should endeavour to follow that statement as closely as possible. These points were, that he had given the bill a character which did not belong to it, and had assigned motives to the Government which they were far from entertaining. He had stated, also, that at the interview of the delegates with Lord John Russell, that noble Lord had made a distinct declaration that no step should be taken with regard to the colony till they should have had an opportunity of expressing their sentiments. Last year, the Government, in compliance with a motion of the hon. Member for Droitwich, laid upon the Table of the House, despatches from the Governor of Newfoundland, in which he stated to the Secretary of State, that he could not consider it his duty, upon the dissolution of the House of Assembly, to issue any new writs, and not only was that declaration made to the Secretary of State, but also to the House of Assembly, in consequence, as the Governor stated in his speech, of "the atrocious outrages" at the elections. The noble Lord, his predecessor at the Colonial-office, assented to the appointment of a committee, which sat during the last Session of Parliament. The inquiry, however, was wholly *ex parte*, in consequence of which he was deprived of the benefit of adverting to the evidence, and should abstain from making any use of it. About the period of the dissolution of Parliament those appointed as delegates from the colony, came over to give evidence. He sent for the delegates, and saw one of them, and in answer to his inquiry told him that, although he had come to no decision on the subject, his impression was that he should not renew the committee. However, as that Gentleman said that Lord J. Russell had assured him if the committee were revived next Session, ample notice should be given to the delegates to enable them to lay their case before it; he also gave him a similar promise upon that contingency. He had not thought it desirable to re-appoint that committee, and that was precisely the position in which the case stood. Now he must complain of the statement of the right hon. Gentleman, that this bill was introduced for the purpose of annihilating the constitution of Newfoundland. When he came into office he found that the late Government had determined that the House of Assembly should not meet again, and he wished, therefore, to impress upon the House that the step he was taking was in fact for the restoration, with some modifications, of the constitution of Newfoundland, which had been practically extinguished by his predecessors. He must say, too, that he deeply regretted that the right hon. Gentleman should have thought it necessary to introduce imputations on the subject of religion into this discussion, as if a desire to oppress the Roman Catholics of Newfoundland had supplied any motive for the introduction of the bill. It was quite true that he had applied to the Governor for information, among other things, of the number and condition of the Roman Catholics of the colony; and, if he were asked the question, he was bound to say that all his information showed him that at the last election in the colony a considerable number of the Roman Catholic priesthood took an active part, and acted in a manner that scandalized many well-thinking and respectable Roman Catholics. Bishop Fleming himself had admitted to him that, although there was some exaggeration, he lamented to say there was some truth in the charges that had in consequence been made, and that one of the parties charged had been visited with ecclesiastical censure. Therefore, although there might be some exaggeration, the facts were yet notorious, and substantially true. But so far from being animated with animosity towards the Catholics, although he had stated in one of his despatches that he saw no remedy for the evils complained of, except in the withdrawal of the constitution, he had added that he was not prepared to assent to this; and, moreover, he had the authority of Bishop Fleming for saying that the Roman Catholics had nothing to complain of, and that they were on a footing of entire and perfect equality with Protestants. Another cause to which the right hon. Gentleman attributed the introduction of the bill was the fact that the Roman Catholics constituted a large majority of the population. He did not know where the right hon. Gentleman had obtained his information. He believed that the population was pretty equally balanced. Two years ago the Roman Catholics in the island amounted to 37,000; the members of the Established Church to 26,000 or 28,000; and the remainder of the population, amounting to 10,000 or 11,000, consisted of Presbyterians and other religious bodies. Now there had been but one appointment in Newfoundland under the governorship of Sir John Harvey, and that appointment had been given to a Roman Catholic. As a proof that Government was not actuated by any religious feelings, he might state that while a site was obtained for the erection of a building for Roman Catholic worship, they could not find any land on which to erect three Protestant churches, which were wanted. He would ask the right hon. Gentleman whether there was any practical difference as regarded the treatment of both persuasions? He declared solemnly that in introducing this bill he had no views of making any distinction between Roman Catholics and Protestants. He had never made any charges against the Assembly on religious grounds. Then the right hon. Gentleman said that he was about to annihilate the constitution of Newfoundland. What did he propose? He proposed to unite the Legislative Council and the House of Assembly—to raise the qualification of Members—to raise the qualification of electors—to reserve to the Crown the originating of money votes, and that the Executive and Legislative Councils should be separate. And so far from that being at variance with the opinion of Sir J. Harvey, as stated by the right hon. Gentleman, it was exactly in correspondence with a despatch which he received from him, dated the 21st. of September. The noble Lord read the despatch of Sir J. Harvey and the instructions of the Earl of Ripon, which the right hon.

Gentleman had so much praised, to show that his proposal was not at variance with those documents. He did not mean his proposal to be a punishment of the Legislative Assembly, but to enable them to legislate without coming into collision with the other House, as had been the case heretofore. The right hon. Gentleman said that the two Houses were made into one for the purpose of swamping the Legislative Assembly. But he should like to know how ten could swamp fifteen, this being the proportion in which the new legislature was to be composed. He did not deny that the present constitution had worked well, and that many internal improvements had been effected under it. The right hon. Gentleman had said that the present bill was intended to give one interest an advantage over another. It was true that there were two interests growing up in the colony, but the present bill would not give any advantage to one class over another, but would equally benefit all classes. The right hon. Gentleman had stated, and stated correctly, that the returns to the House of Assembly, up to the year 1836, were of a very respectable character, and that the Members returned had in general carried on the public business with great satisfaction to the inhabitants. But it appeared upon unquestionable authority that the last House of Assembly consisted of persons of much less property and intelligence than the former House, and even that some of them were so low that it would seem they had been elected in a spirit of burlesque. Captain Prescott said,

> "Under these circumstances, the acting principle of the House of Assembly is personal favour or personal resentment, combined with a desire to provide for themselves; and to such an extent is this carried, that a constable has been deprived of his salary to gratify the vindictive feelings of a Member of the House. The light estimation in which the House is held could not fail to produce its effect upon the Council, and consequently almost every alteration in a bill sent up is considered as an insult."

In fact, the late Assembly was principally composed of persons unknown in the upper ranks of society, and who were disqualified for the office, not only by the violence of their party feelings, but by their want of education and respectability. The Members were each allowed 42*l.* a year; and it appeared among other strange facts, that a servant was permitted by his master to take his place among the representatives of the people in the Legislative Assembly, while he and his master divided the 42*l.* between them. [Mr. *Hume*: In whose evidence does that appear?] He made the statement on the authority of Mr. Brooking, one of the leading gentlemen of Newfoundland. [Mr. *O'Connell*: The firm of Mr. Brooking got that very person returned.] He only mentioned the fact for the purpose of showing the abuses to which the present system of representation in the colony gave rise. The hon. Gentleman had spoken of the frugality of their expenditure, but did he know that the present expenditure of Newfoundland was not less than 40,000*l.* a-year? He did not deny that a great portion of it had been beneficially expended, but at the same time a great portion of it had also been expended for private objects. The Land Bill actually failed because the House of Assembly would not vote the money for the works without also voting the names of the parties whom they wished to carry them into effect. At present the possession or occupation of any number of boards sufficient to constitute a fishing settlement was the sole qualification required to dispose of the revenue of the colony, amounting to 40,000*l.* a-year. He asked if that was not a great temptation to abuse? To remedy this evil he proposed that no person should be elected a member who did not possess an independent property of the value of 100*l.* a-year. But why did he propose to unite the Legislative Council and the House of Assembly? It was because, from the conduct of one or both of those bodies, such had been the difficulties and dissensions arising between them that legislation had been put a stop to, and the most important measures, including the Revenue Bill, were actually at this moment in a state of abeyance. He did not say that the whole blame of this state of things rested with the House of Assembly; but that House was continually sending up bills in such a state that the Government could not assent to them, and in consequence of the disputes arising respecting the amendments, the Annual Supply Bill had been lost three years out of five. The hon. and learned Gentleman was entirely mistaken as to the constitution of the Council. It was true the Members were appointed by the Government, but so far from being under his control, like tenants at will in Ireland, they held as long as they pleased. Fourteen out of the fifteen members of the Assembly might be in favour of a grant, yet a bare majority in the Council might oppose it, and thus defeat the supply. The hon. and learned Member said great improvements had taken place, that the revenue was good, and the trade had increased. Undoubtedly it was so, but the injury which arose from the stoppage of the supplies did not fall on the merchants and traders, but on the resident inhabitants of the colony. The merchants depended solely on their capital, but the residents were seriously injured by their revenues being locked up, and therefore not available for the purposes of the colony. Now with respect to the qualification of the voters, the hon. and learned Gentleman said that the present bill would deprive many of the inhabitants of the franchise. He admitted that, but he would state distinctly that raising the franchise to a moderate extent would not affect the agricultural and Roman Catholic interest exclusively, but would merely strike off that small portion of the constituency absolutely subjected to their employers, whether Catholic or Protestant. He did not deny that as the bill now stood, a 40s. freehold, in the strict sense of that term, would disqualify a great number in the country districts; but it was not the intention of the Government to construe the term freehold strictly: and in order to prevent difficulty, he should propose that undisputed possession of a tenement for three or four years should be deemed equivalent to a freehold for electoral purposes. What he wanted was to prevent persons exercising the franchise who had only been in occupation one year, and to insure it to those who had a permanent interest in the soil. He had now gone through the different points adverted to by the hon. and learned Gentleman. He (Mr. O'Connell) asked him to postpone this bill. Now the present state of the colony was this. Since 1841 no Appropriation Act had been passed; and consequently public expenditure had been put a stop to, the revenue locked up, and not only that, but unless the Revenue Act, which expired on the 30th June, were renewed without delay, the colony would lose the whole of the duties imposed under it unless they resorted to an invention not strictly constitutional—namely, that of requiring bonds on the delivery of goods for the payment of any duties which the Legislature might pass an act to levy retrospectively. He had that morning received a letter from Sir J. Harvey, entreating him not to assent to any delay in passing this bill; and he therefore asked the House whether, under these circumstances—when in fact the bill, instead of being for the annihilation, was for the restoration of the constitution—they would consent to plunge the colony again in all the difficulties which must result from the renewal of the old system? For himself he declared most solemnly that his object was not to punish this or that branch of the Legislature, this or that religious party; his object was to introduce a system by which each party might exercise due influence on the other, instead of not merely checking, but absolutely putting a stop to all legislation. For these reasons he confidently trusted the House would consent to go into committee to remedy the evils he had pointed out.

Mr. *Hume* was instructed to say, in reply to the statement of the noble Lord, that the population consisted of about half Protestants and half Catholics, that the population consisted in reality of 70,000 Catholic residents, and 30,000 resident Protestants, Out of this population there were only two Catholic stipendiary magistrates, whilst there were fifteen Protestant stipendiary magistrates; the whole of the clerks in the employ of the Government were Protestants; and yet this was a colony where the noble Lord said party spirit did not exist, and there was no right to complain that party feelings at all influenced the Government appointments. His complaint was, that the parties whose privileges and liberties were about to be interfered with had not been heard in their own behalf. Canada and Jamaica had been heard by counsel before the Legislature, previous to their cases being decided upon, and why should not the same justice be extended to the natives of Newfoundland? They would not disfranchise the borough of Sudbury, which had only 7,000 or 8,000 inhabitants, without first hearing an advocate on their behalf. The case of Sudbury was put off for that purpose to the next Session, and how could they reconcile it to justice to legislate on the case of Newfoundland, which possessed a population of 100,000, without hearing what they had to say on their own cause? Why not put off the consideration of the measure to the next Session, when the Newfoundlanders would have time to lay their case fairly before Parliament? The object was to take the representation from the inhabitants of Newfoundland, and to transfer it to the merchants of London, Liverpool, Bristol, and Dartmouth. With regard to the menial servants being elected, he denied that such was the case, unless a clerk in a merchant's counting-house could be deemed a menial servant. There was not a charge brought forward but what could be proved untrue if an investigation were granted. The great prosperity of the colony from 1832 to 1836, proved that the constitution worked well. The noble Lord, by sending out Mr. Bolton as judge, had been the cause of the mischief. Lord Ripon had removed Mr. Bolton from Canada, as a firebrand, and the noble Lord sent him out to Newfoundland. From the moment Mr. Bolton arrived in Newfoundland, he began to interfere with the rights of juries. The Government supported Mr. Bolton, yet on an appeal to the Privy Council, Judge Bolton was removed. [Lord *Stanley*: No.] He was not sent back, and that showed the colonists were right. Mr. Bolton was the firebrand, and had caused this disturbance in the colony. He appealed to the right hon. Baronet in this case, for the noble Lord from the first had taken up a prejudice against the colony. One of the great charges against the Assembly was, that the Members were paid a salary of 42*l.* a year. There was an act in this country for payment of Members, and he thought it would be a good thing if they had paid Members in this House. It would be better that Members should have a salary than that they should be paid in places, honours, and preferments, which Ministers had to give. Members ought to be paid—gratuitous service was bad service. He was called stingy, because he had wished to get rid of sinecures and unnecessary offices, but he always desired that those should be paid who did the work. The noble Lord's bill had been brought forward for the purpose of disgracing the men who had the public confidence, in order to further the cause of the monopolists. His right hon. and learned Friend's motion was intended to remedy such an abuse, and he would, therefore, give it his most cordial support. The present question was not one of party, but of justice. All that was asked was, that the business of Newfoundland might not stand still, but that the representatives of that country might exercise their constitutional right in a legal and constitutional manner. He should therefore support the motion of his right hon. Friend.

Mr. *Pakington* moved that the debate be adjourned.

Debate adjourned.

IPSWICH ELECTION.] Mr. *P. M. Stewart* brought up the report of the Ipswich Election Committee, which was read as follows:—

"That the right hon. John Otway O'Connor Cuffe Earl of Desart, and Thomas Gladstone, Esq., were not duly elected burgesses to serve in this present Parliament for the borough of Ipswich.

"That the last election for the said borough is a void election."

And the said determinations were ordered to be entered in the journals of this House.

House further informed, that the committee had come to the following resolutions:—

"That the right hon. John Otway O'Connor Cuffe Earl of Desart, and Thomas Gladstone, Esq., were, through their agents, guilty of bribery and treating at the last election for the borough of Ipswich.

"That it was proved before the committee, that John Downing was bribed by release from a joint security for 25*l.*; that Henry Greaves was bribed by 30*s.*, under pretence of services rendered by his son as a messenger; that Amos Goodchild was bribed by a promise of 5*l.*; that Richard Bishop, captain of a vessel, was bribed by a bargain by his wife for 8*l.*, as indemnity for loss of voyage, 2*l.* of which was detained by the owner of the vessel; that Robert Hine was bribed by 3*l.*, through his wife; that John Cockle was bribed by 4*l.*, under the pretence of travelling expenses: that William Brown was bribed by 4*l.* 10*l.*; William Cole by 2*l.* 14*s.*; a person named Fuller by 3*l.*; and William Blythe, and others, by 30*s.* each, under the pretence of travelling expenses.

"That Thomas Bowman and Robert Naunton were bribed by 30*s.* each, under pretence of playing in the band.

"That there was no evidence to show that these acts of bribery were committed with the knowledge and consent of either the right hon. John Otway O'Connor Cuffe Earl of Desart, or of Thomas Gladstone, Esq.

"That the Chairman be requested to move, that this report, together with the evidence taken before this committee, be printed; and that the Speaker do not issue his writ for the return of two burgesses to serve in Parliament for the said borough of Ipswich, until the said evidence shall have been printed and submitted to the House."

The report stated that Lord Desart and Thomas Gladstone, Esq., were not duly elected at the last election for the borough of Ipswich, and that they had by their agents been guilty of bribery and treating, at the last election for that borough. The hon. Gentleman moved that the evidence be printed, and that the issuing of the writ be suspended till the evidence was before the House.

Report to lie on the Table.

Minutes of the proceedings of the committee, and of the evidence taken before them, to be laid before this House.

House adjourned at a quarter to five o'clock.

HOUSE OF LORDS,

Monday, August 1, 1842.

MINUTES.] BILLS, *Public.*—1ª· St. Asaph and Bangor Preferment; Dublin Boundaries; Four Courts Marshalsea (Dublin); Slave Trade (Portugal) Suppression.

2ª· Stamp Duties Assimilation; Colonial Passengers; Bonded Corn; Western Australia; Parish Constables; Ordnance Service; Court of Exchequer (England).

Committed and Reported.—Assessed Taxes; Insolvent Debtors; Fisheries (Ireland); Rivers (Ireland); Primrose Hill.

3ª· and passed:—Game Certificates (Ireland); Stamp Duties; Mines and Collieries.

Private.—3°· and passed:—St. Briavel's Small Debts.

PETITIONS PRESENTED. From Electors of Sudbury, to be remunerated their Expenses for defending the Borough.—From James Bowditch, complaining of Legal proceedings in Jersey.—From Schoolmasters of the Presbyteries of Biggar and Abertarph, for Improvement of their condition.—From Fishermen of the rivers Barrow and Nore, Millers of Carlow, Inhabitants of New Ross, Nobility and Gentry of Clare, against parts of the Fisheries (Ireland) Bill—From Inhabitants of Tipperary and from Guardians of Neath Union, for Alteration of the Poor-law.—From Colliers Male and Female, of Wellwood and Fordell Collieries, against the Mines and Collieries Bill.—From Carrigallin, for Encouragement of Schools in connection with the Church Education Society.—From Rate-payers of Exeter, against Municipal Corporations Bill.—From Members of Ashton-under-Lyne, and Dukinfield Mechanic's Institutions, to exempt such Institutions from Rates and Taxes.—From Medical Practitioners of Berwick-on-Tweed, against the proposed Medical Reform.

BONDED CORN BILL, (No. 2).—The Earl of *Ripon*, in moving the second reading of Bonded Corn Bill said, that its object was,—

"To enable the importer or proprietor of any foreign wheat secured in any bonded warehouse to take the same out of such warehouse upon his having previously deposited in lieu thereof, with the privity of the proper officers of the Customs, either in such warehouse, or some other warehouse in which foreign corn might be lawfully secured under bond, an equivalent quantity of fine wheat flour, or flour and biscuit, or biscuit only—there to be kept and secured in lieu of such wheat, subject to the same rules, regulations, restrictions, penalties, and forfeitures as such wheat, or any foreign flour or biscuit imported and secured in bonded warehouses under the laws in force, would be subject to."

The flour was not to be taken out of bond except on payment of the duty to which foreign flour would, at such time, be subject, except for purposes of exportation. The same rule would apply to the biscuit. This would greatly tend to facilitate trade with those countries which depended on foreign states for a supply of biscuit and flour, and would not be liable to fraudulent transactions.

Lord *Beaumont* felt himself under the necessity of opposing this bill. He did so, not from any factious motive, but because he believed it would open the door to numerous evasions of the Corn-laws to the prejudice of the home grower. Suppose, for instance, a farmer had 1,000 quarters to sell, at the market price, say 60*s*., and the miller or speculator were to purchase one half. Thus far the farmer would not lose; but the miller or speculator could grind that corn, put it into bond, and take out an equivalent quantity of foreign corn, which he would be enabled to bring into the corn market, in order to oppose the farmer in his sale of the remaining 500 quarters. And as the speculator would be enabled to sell at a lower price than 60*s*., the farmer would be compelled to come down to the minimum price at which, after such a transaction, the speculator could sell in order to leave himself a profit. This was a gross evasion of the Corn-law. That law was working well at present, but the bill would completely overthrow its principle.

The Earl of *Ripon* thought the objections of the noble Lord more ingenious than practical. Cases quite opposite to those which he put might arise, and thus one inconvenience would balance another. From the evidence which had been taken, it was quite clear there was no fear of illicit importation in so bulky an article as corn. The noble Lord seemed to forget that vessels could now provision themselves at Hamburgh, the United States, and elsewhere, which, by the operation of this bill, would be enabled to lay in their stock as cheaply at home. It appeared to him, that the bill would remedy a great inconvenience, and injure no one.

Lord *Monteagle* agreed with the noble Lord that this bill was founded on quite an opposite principle to that of the present Corn-law, and, in his opinion, on a better one. The greatest advantage, however, which he expected, would be derived from it, was steadiness of intercourse with other countries.

Bill read a second time.

MINES AND COLLIERIES.] Lord *Redesdale* moved the third reading of the Mines and Collieries Bill.

The Marquess of *Londonderry* opposed the third reading. The bill had, it was true, been much altered and defaced; it was but a blank sheet to what it was when it came up to them, but still it was hurried through in haste, and founded upon misrepresentation, and it would be far better to delay the matter altogether till next Session, and then examine evidence for themselves. To show the haste with which it was framed, the pet clause of his noble Friend, the President of the Council, enabling a Government inspector to inspect collieries and mines at all times, was absolutely inoperative. The inspector might come, but there was nothing to compel the coal-owner to put him down the pit, or to carry on the work of the pit whilst he was there. As a coal-owner, he should say to any inspector,

> "You may go down the pit how you can, and when you are down, you may remain there."

He meant to say, there was nothing to compel the coal-owner to give any facilities, and if the bill passed in its present shape, he, for one, should not afford any. The alarm that had been created, arose from misrepresentation. The report of the commissioners was filled with cases selected from the worst and most unfavourable mines, and though the favourable mines infinitely exceeded them in number, an impression unfavourable to the whole was thus excited in the public mind. For instance, the chief report consisted of 269 pages—of which there were given to coal mines, 189 pages; iron, 5; tin, copper, lead, zinc, 52; general observations, 23; total, 269. Thus, more than two thirds of the whole report had been lavished on the coal question, which formed but one-sixth of the number of subjects to be enquired into. The number of pages in the chief report devoted to each district was as follows: — Durham and Northumberland, 21 pages; Stafford, 6½; Salop, 3; Warwick, 1½; Leicester, 2; Derby, 11½; Gloucester, 7; Somerset, 2; Cumberland, 5½; Ireland, 1½; Lancashire and Cheshire, 20; York (West Riding), 31½; Wales, 18; Scotland, 27; making 159, and general subjects, 110; the total being 269. Thus, out of 159 pages devoted to specific districts, 96½ are given to bad ones, the balance (62½) being placed to the good and other districts, 21 only being appropriated to Durham and Northumberland; thereby swamping the unobjectionable mines on the plea of purifying the faulty ones. The report had also eighteen pages of woodcuts, exhibiting the different operations in mines in reference to the following districts:—Lancashire and Cheshire, 4; West Riding of York, 4; Gloucester, 1; Wales, 4; Scotland, 5; total, 18. All relating to the faulty districts; not one, as a set-off, being given for the good ones—those of greater magnitude than the bad ones in question. Thus the dark, the repulsive, picture of some is made to apply to all. So much for fair play; and these things, too, in the teeth of the following passage in the chief report, page 259: —

> "That the bad mines are not happily numerous, nor of great extent."

Lord *Redesdale* said, as the noble Lord who had charge of the bill was content with the clause, he should not seek to amend it. He did not think the noble Marquess would be willing to brave the inference which would be drawn from throwing any difficulties in the way of inspection.

Lord *Campbell* agreed with the noble Marquess in his construction of the clause, and as he had given fair notice of his intention to prove refractory, it would be well for the noble Lord, to re-consider his determination. As he thought the bill a good one, he should regret if it were left defective in this respect. He should, therefore, suggest the insertion of some words which would require the owners of mines and collieries, or their agents, to furnish, at all reasonable times, the means necessary to enable the inspectors to visit and inspect the different mines and collieries.

The Marquess of *Londonderry* said, that this inspection would, in many instances, arrest the working of the collieries, and therefore he hoped that the Government would provide some compensation for any injury which might be sustained in that respect. He had preferred pointing out this defect to telling the coal-owners of the north, and of Scotland, which he might fairly have done, that the bill was inoperative, as far as regarded the right of inspection. The supporters of the measure ought, therefore, give him credit for some generosity in lending his aid towards its amendment. The whole measure was an evidence of party and clumsy legislation.

Lord *Wharncliffe* said, his noble Friend had described the clause as his pet clause.

He did not see how that could be, as he was not the father of the measure. He would adopt the suggestion of the noble and learned Lord opposite, and move, that these words be added to the end of the clause—

> "The owners and occupiers of such mines and collieries, or their agents, are hereby required to furnish the means necessary for such person or persons so appointed to visit and inspect such mines, collieries, buildings, works, &c."

Lord *Redesdale* had no objection to these words, as he thought they would render the clause more perfect.

Amendment agreed to.

Bill read a third time and passed.

Adjourned.

HOUSE OF COMMONS,

Monday, August 1, 1842.

Minutes.] New Writ. Southampton, *vice* Lord Bruce, and Cecil Martyn, Esq.—Belfast, J. Tennent, Esq., and W. Johnstone, Esq.

Bills. *Public.*—1°. Coventry Boundary.

2°. Slave Trade Suppression; Court of Chancery Offices; Canada Loan; Slavery (East Indies); County Courts.

Committed.—Tobacco Regulations; Bankruptcy Amendment.

Reported.—Lunacy; Bribery at Elections; Ecclesiastical Corporations Leasing (No. 2); Militia Pay.

3°. and passed:—Dublin Boundaries; Four Courts Marshalsea (Dublin).

Private.—2°. Hele's Charity (Lowe's) Estate; Duke of Buckingham's Estate; Lord Dinorben's Estate; Street's Divorce.

3°. and passed:—Crawfurd's Estate.

Petitions Presented. From Sidney Alley, Piccadilly, and Coventry Street, for Widening the new Street from Coventry Street to Long Acre.—From Holborn, Oxford Street, and other places, that the New Streets from Piccadilly to Long Acre, and between Oxford Street and Holborn, may be made of a greater Width than now proposed by the Commissioners of Woods and Forests.—From the Members of the Mayo Grand Jury, and the Governors of the Mayo County Infirmary, and the Members of the Mayo County Grand Jury, against vesting the control of Medical Charities in the Poor-law Commissioners.—From Leek, that Brewers' Casks may not be distrainable for the Rent of their Customers.—From Rottingdean, and other places, against the Application of any Portion of the Highway Rates to Turnpike Rates.

Southampton Writ—Bribery Bill.] Mr. *Mackinnon* said, in rising to move for a new writ for the town of Southampton, he was induced to do so in consequence of the many applications he received on the subject. He trusted that the result of the Bribery Bill now before the House would be to put an end to that corrupt practice; at least, no person could be more anxious for that result than he. He did not ask for the issuing of that writ as a favour, but as a matter of justice. It would be perfectly right to suspend the writ if the House had before it any legislative measure for disfranchising the borough, but as no hon. Member had given any notice of motion with a view to that object, he thought the House could not refuse to issue the writ.

Mr. *T. Duncombe* said, looking to the circumstance that the committee had expressed no opinion as to whether the writ should issue or not; considering, also, the fact that there was then a bill pending in that House against bribery and treating, which was to have a retrospective effect; looking to the fact that the chief object of the 320 persons, whose petition he had presented to the House, was, that the writ should not issue until some legislative enactment had been passed for the purpose of preventing treating and bribery; and understanding from the right hon. Baronet that he pledged himself, as far as Government influence could avail, that the measure should pass through both the Houses of Parliament, he would withdraw his opposition to the writ for Southampton, and he hoped that the candidates, whether Liberal or Conservative, would conduct themselves better than they had done on former occasions.

Sir *R. Peel*: The hon. Gentleman must recollect what it was that I stated the other night, viz., that I had hitherto supported the bill, and that I would never be a party, either directly or indirectly, to the defeating a measure which I had supported. I could not undertake to promise that the bill should pass through the other House of Parliament. The bill met with the general concurrence of her Majesty's Government, and I have no doubt will receive their general support; but of course I cannot answer for any bill passing in another place, or for any alteration that may be made in it.

Mr. *V. Smith* said, although it was impossible for the right hon. Baronet to pledge himself that no amendments should be made in the details of the bill, he thought it was important that the House should know whether it was intended to give the Government support to the retrospective clause in the bill. He wished to know whether to that clause the right hon. Baronet could hold out any hope of the other House giving its assent.

Sir *R. Peel*: Perhaps it is hardly necessary for me to qualify the statement that the bill would receive Government support. There is no new offence of bribery created by this bill, excepting with respect to head-money. I apprehend that, under the existing law, if a vacancy take place, and any candidate should treat, he would lose his seat. I recommend to the noble Lord who framed the bill, that elections after the 1st of July should be subject to the operation of this bill; that was to say, supposing there would be an allegation of bribery with respect to any election which might take place to-morrow, then I think the new tribunal should have power to investigate that case as though it had occurred before the passing of the act, and that any election which took place in future should be subject to the provisions of that act. I can give the same assurances with respect to this bill as with respect to any other bill which received Government support and no more.

Writ ordered to issue.

METROPOLITAN IMPROVEMENTS.] Lord *Robert Grosvenor* rose to put a question to the right hon. Baronet at the head of her Majesty's Government. The right hon. Gentleman would no doubt recollect having had an interview with certain Members of a society interesting itself in the improvement of this city. They expressed a strong desire that her Majesty's Government would undertake a more general and better understood system of metropolitan improvement than those isolated jobs which were now from time to time perpetrated, so that whatever was hereafter determined upon should be done with reference to one comprehensive design. The deputation also called the right hon. Gentleman's attention to the circumstance, that the original plans for making new lines of communication from Piccadilly to Long-acre, and from Waterloo-bridge to the north of London, had been most unwisely departed from. The right hon. Baronet, without giving any pledge as to the course he would take, expressed a general concurrence in the sentiments of the deputation. I have this evening presented to the House several petitions, numerously and most respectably signed, from the inhabitants of those streets through which, or contiguous to which, the new lines of communication are to pass, praying that the original plans may be adhered to; and I understand that similar petitions have been presented in another place by a noble Earl, a Member of her Majesty's Government, the President of the Board of Trade. The questions that I wish to ask the right hon. Baronet are—1st, if he can hold out to the petitioners any hope of their prayer being complied with; secondly, he wished to know whether her Majesty's Government had taken any steps to obtain the means of laying down a well-considered and comprehensive plan of improvement, which should embrace the health, the convenience, and the decoration of the metropolis?

Sir *R. Peel* said, the question of the noble Lord involved two considerations; first, whether it were not desirable to have some tribunal that should judge of the plans for the improvement of the metropolis, and to provide better regulations connected with the health of the inhabitants. Having himself been a Member of a committee connected with the subject, he did not think a committee was the best tribunal to decide such a question. Of such a committee the metropolitan Members usually formed a part, and he thought a better tribunal would be one totally unconnected with those local interests by which the Members of the different places must be affected. For his own part he thought there could not be a better application of public money than in these great public improvements. With respect to the other improvements, all he could say was, that formerly the proposed width of the new streets was sixty feet; since then, however, it had been proposed to make them only fifty-two feet. That proposition had been sanctioned by the late Government and Parliament; and such being the case, he could not venture to set aside such an arrangement.

RIBBONISM IN IRELAND.] Mr. *Sheil* said, he wished to put certain questions to the noble Lord, the Secretary for Ireland, relative to the very remarkable evidence given by an approver, of the name of Hagan, at the last assizes for Armagh. It appeared from a report which appeared in a public newspaper, that the approver stated that he went about administering unlawful oaths, and making Ribbonmen by the hundred, with the knowledge of the police and certain magistrates. The report stated:—

"The first I spoke to about Ribbonism, after I was 'necked,' was constable Johnston, and I told him to go for the Provost of Sligo, which he did. When I had conferred with that gentleman, I was let out on heavy bail.

After that I attended meetings, made pass-words, Ribbonmen, and all that. I made Ribbonmen by the hundreds. The police knew that was the business I went on. I was 'out' from September till February. I did not expect to be wanted by the police till about Patrick's Day—till the assizes time. When I returned, I told them about the meetings. By the word 'them,' I mean Mr. Fawcett, Provost of Sligo, and the magistrates. While I was out of gaol, I concocted about sixty-six Ribbon papers, and scattered them about as well as I could. The magistrates knew all this. During the time I wrote several letters to people, and got answers. I took the oath of the society once, twice, thrice, four times—aye, fourteen times—I had no further to go, or I would have sworn more. I am this moment breaking them all. I get my support from the Government. My conscience stretches sometimes. During the six months I was out I was as busy as ever at the 'old trade.'"

Now he believed that to be a correct report, and he now wished to ask the noble Lord opposite whether he believed the report of the evidence of the approver to be correct—whether he had seen any report of the trial, on the authenticity of which he could rely—whether he believed that Hagan stated he had been employed by the police in the way mentioned in his evidence—whether the magistrates were aware that the approver, after he had first given his evidence before them, went among the people administering illegal oaths to them; and, finally whether the Government had been officially informed of the course of proceeding adopted by the magistrates?

Lord *Eliot* was not then able satisfactorily to answer the questions of the right hon. Gentleman. He knew nothing more of the facts of the case than appeared in the public prints. He was aware that an approver of the name of Hagan had been in confinement for some time, and that he had made communications which had led to the apprehension of certain individuals. He was not aware that the approver had been employed by the police or the magistrates to administer unlawful oaths, after he had given his evidence. He believed that crimes arising out of secret societies could be proceeded against only upon the evidence of an approver; but at the same time he should express his conviction, that the employment of an approver in the way stated (if the report were correct) was certainly objectionable. He must repeat, however, that his only knowledge of the circumstances of the trial was derived from a perusal of the newspaper to which the right hon. Gentleman had referred. He would write and obtain more accurate information on the subject which he should be ready to communicate to the House.

MEETING AT DEPTFORD—DR. M'DOUALL—THE POLICE.] Mr. *T. S. Duncombe* rose to move, pursuant to notice,

"That the petitions of Peter Murray M'Douall, and of the chairman of a meeting of inhabitants of Deptford (presented 29th July), complaining of his arrest, and of the conduct of the Metropolitan Police in preventing a public meeting of the inhabitants of Deptford, on the 26th day of July last, be referred to a select committee, and that the said committee do report their opinion thereupon to the House."

In calling the attention of the House and the Government to this subject, he thought he should be enabled to prove that a serious violation of the liberty of the subject had been committed by the metropolitan police, sanctioned by the magistrates, and that the doctrine of the right hon. Baronet, the Secretary of State for the Home Department, in regard to the power of constables in preventing public meetings, was contrary to the law of the country. He believed, also, that in asking the House to consent to the motion, he should be able to show that there was sufficient precedent for the inquiry. It appeared that the public had been invited to hear a lecture, to be delivered by Mr. G. Thompson, in a dissenting chapel at Deptford. The meeting took place. Dr. M'Douall arrived, and found that a chairman had not been appointed, and he retired to a neighbouring house. When he returned, he found that some disturbance had taken place, in consequence of a gentleman in the gallery having made some objection relative to the appointment of a chairman, and expressed his wish that there should be a free discussion. It appeared that the persons connected with the chapel had sent for the police, who arrived; but, as had been stated by one of the witnesses, instead of allaying they had increased the disturbance. Dr. M'Douall, it appeared, had sent a message to the proprietors of the chapel, desiring to know if the presence of himself and his friends would be objected to, and whether the discussion was to be an open one. Dr. M'Douall said, "If I do come, I think I can put an end to the disturbance." When he arrived, however, the disturbance was over, the lecture had concluded, and it was then proposed to adjourn to a place called the Broadway, where the inhabitants of Deptford were in the habit of meeting. To that place Dr. M'Douall and another person connected with the proprietor of the chapel went. He stated this to show that no objection had been taken to the conduct of Dr. M'Douall in the chapel. Now, in the Broadway there was a pump, and he believed that there was nothing unconstitutional in mounting a pump to address the people. Dr. M'Douall had addressed the meeting for about a quarter of an hour, when he was interrupted by a party of the police. He was arguing, at the time the police interfered, in favour of free discussion. He was stating that a hearing should be given to every man, whether archbishop or chimney-sweeper, landlord or labourer, shopkeeper or scavenger. When asked by the magistrate as to the language used by Dr. M'Douall, the policeman (Mallalieu) said he heard him usethe words—

> "The tyrant aristocracy of the country, who are trampling on the rights of the poor."

That was perfectly consistent with the account given by Dr. M'Douall himself. Dr. M'Douall stated that Mallalieu, the policeman, said to him,

> "Come down, or I will knock you down; you are holding an unlawful and illegal meeting, and using exciting language."

Dr. M'Douall asked him by what authority he was interrupting a meeting which was assembled peaceably, and would disperse peaceably. Mallalieu said.

> "I hold no conversation with you;—you must come down;"

And he was then pulled down by two policemen, and desired to leave the place. It should be recollected that at this time Dr. M'Douall was under recognizances of 500*l.*, in consequence of an indictment for sedition two or three years ago, and that he was little likely, therefore, to say or do anything to excite a breach of the peace. The inspector, when he offered to disperse the meeting, told him to go away, pointing out to him the way he should go. Dr. M'Douall,—

> "That is not my way; my way is towards London, and that is the way to Greenwich."

Upon which he was arrested by the police, and taken to the station-house. What was the treatment which he experienced there? In the first place, good bail was offered and refused. One of the bail offered was a trustee of the chapel, and the other a Corn-law lecturer, who were the parties, if any, that had been injured by the proceedings of the Chartists. But the reply was

> "If you will lay me down 1,000 guineas I won't let him go,"

And giving as a reason, that the town was excited. The gentlemen offered to take him three or four miles out of town in their own carriage, but nothing would satisfy the policeman, and Dr. M'Douall was left all night, and until eleven o'clock on Wednesday in the station-house, which had in it an offensive privy, an unglazed window, and which was full of vermin. Here he was denied the use of bedding; his property was taken from him, and all communication with his friends was refused. No common felon, no murderer, no miscreant, could possibly have been treated worse than this individual, who was attending, as he was prepared to show the House, a meeting lawfully assembled. Dr. M'Douall requested that he might be allowed to communicate with his friends previously to appearing before the magistrates, in order to prepare evidence that the meeting was not unlawful, but he was told that no interview would be allowed, except in the presence of a policeman. Was it fitting that those policemen, who were to be his accusers, should know what was to be his line of defence? The next day he was called before the magistrates, and who appeared as witnesses against him? Why, these very policemen; not a single inhabitant of Deptford came forward to state that there had been anything like a breach of the peace. There was no person but the policemen to uphold such a statement, who were interested in procuring a conviction. If any breach of the peace was committed, it was on the part of the police, and no one else. Now what, he would ask, had been the conduct of the inspector when before the magistrate? In his opinion it had been most improper and indecent. He had called the parties who surrounded Dr. M'Douall "the scum of the parish." Had the magistrate rebuked this Mallalieu? The report said,

> "Mr. Jeremy:—Oh, Mr. Mallalieu, you should not make use of such language. Dr.

M'Douall: Did you fear that scum, as you call it? Mr. Mallalieu: Am I to answer that question? This may go on all day."

Here the magistrate called the policeman to order, and said,

> "Then it must go on all day, or for several days;—the line of cross-examination seems to be a fair one."

The evidence went on thus:—

> "Cross-examination. During the course of the evening, bail was offered. I refused it. The person who offered bail offered to escort you a considerable way home. I refused it on my own responsibility. I said that, in the excited state of the town, I could not discharge you. There was no damage done to property or person in Deptford, that I know of, last night. Two persons offered bail. I should have taken it under ordinary circumstances. One said he offered it from respect to your principles, and another because he thought you a well-meaning man. Bail was first offered about ten o'clock."

As soon as the examination of the policeman was concluded, Dr. M'Douall said:—

> "I will summon twenty witnesses to prove that there was no riot, nor the apprehension of a riot" but the magistrate replied, "You may call 2,000 people, if you will."

So it appeared evidence could not affect the magistrate, who expressed his opinion that Dr. M'Douall had created a disturbance in the chapel, and then bound the accused over, himself in 50*l.*, and two sureties in 25*l.* each. After that Dr. M'Douall asked Mallalieu for a copy of the charge, which was refused. Dr. M'Douall then applied to Mr. Jeremy, who said he might have a copy, and told Dr. M'Douall to say that he (Mr. Jeremy) had ordered it. Dr. M'Douall then returned to Mallalieu, who said, "I don't care what the magistrate says," and still refused a copy of the charge, and Dr. M'Douall had been unable to obtain it, so he had not been able to insert it in his petition. The inhabitants of Deptford met the following evening to the number of 4,000, and agreed to the petition, complaining that the constitution had been violated. Now he did not hesitate to say that such an act as this would not have been perpetrated in the worst days of Sidmouth and of Castlereagh, and that previous to the passing of the Six Acts there had not been so flagrant a violation of the liberty of the subject as had been committed at this Deptford meeting. He maintained it was not law, nor any thing like law, and he had the authority of the most eminent lawyers to support him in that view. What was the law as laid down by Mr. Justice Bailey at the trial of Mr. Hunt at York?—

> "On the subject of unlawful assemblies" (said Mr. Justice Bailey) "he would quote what Mr. Sergeant Hawkins (perhaps the best writer on the question) stated, as necessarily constituting an unlawful assembly. He said, 'any meeting whatever of a great number of people, with such circumstances of terror as cannot but endanger the public peace, and raise fears and jealousies among the King's subjects, seems properly to be called an unlawful assembly; where, for instance, those great numbers having some grievance to complain of, met armed together for the purpose of discussing the best way of ridding themselves of that grievance; because, under these circumstances, no one can say what may be the event of such a meeting.' Mr. Sergeant Hawkins's opinion then was, 'that a great number of people meeting under such circumstances as cannot but endanger the public peace, and raise fears and jealousies among the king's subjects, was an unlawful assembly.' He (Mr. Justice Bailey), therefore, had no difficulty in stating that in all cases of unlawful assembly, they were to look to the purpose for which the people met, the manner in which they came, and the means which they were using to effect their proposed object."

He wanted to know whether there was anything illegal in the meeting of the inhabitants of Deptford; anything illegal in the object for which they met; anything illegal in the meeting itself? Unless this could be shown, it would be impossible to justify the conduct of the police. If the doctrine of the right hon. Baronet (Sir J. Graham) with respect to the interference of constables were right, he wanted to know what was the use of the Six Acts? If the constables really had the power which the right hon. Baronet wished to give them, what was the use of the Seditious Meetings Bill—a Bill which the right hon. Baronet, to his honour and credit opposed in 1819? What was Lord Sidmouth's excuse for that bill! On introducing it to the consideration of the House, Lord Sidmouth said:—

> "He could not better describe the evil which it was the object of the bill to prevent, than by referring to the words of its preamble, which stated that 'in divers parts of this kingdom, assemblies of large numbers of persons collected from various parishes and districts, under the pretext of deliberating upon public grievances, and of agreeing on petitions, complaints, remonstrances, declarations, resolutions, or addresses, upon the subject thereof,

have of late been held, in disturbance of the public peace, to the great terror and danger of his Majesty's loyal and peaceable subjects, and in a manner manifestly tending to produce confusion and calamities in the nation.' Assuming, therefore, the danger, they would have to inquire what regulations were necessary, and whether the provisions of this bill were capable of answering the end proposed. Those who had inquired into the state of the existing laws on this subject, were satisfied that there were many dangerous features in the meetings referred to, for which no remedy could at present be found. The existing law did not prescribe any mode of giving notice or superintendence by magistrates. It in no way regulated the manner of attending meetings. It did not prohibit going to meetings in military array, or carrying to them weapons. It did not prevent simultaneous meetings, nor the continuance of meetings by adjournment. It did not prevent assembling with flags and banners If seditious or treasonable language were spoken, it did not, besides empowering a magistrate to order the person offending into custody, also enable him, in case of resistance, to declare the meeting illegal; it did not provide against a great abuse, the evil effects of which had been extensively experienced, namely, that when the inhabitants of a particular town or district were summoned to a meeting, so many strangers attended, that the majority of the meeting did not consist of such inhabitants. Neither did it provide against the most pernicious practice of itinerant orators attending public meetings, and collecting vast multitudes to hear their harangues. Now their Lordships would find that all these great evils, for which the existing law had no remedy, were provided against by this bill."

Such were the grounds upon which Lord Sidmouth defended the Seditious Meetings Bill in 1819. According to the doctrine of the present day, any constable or police-officer might go to any meeting and disperse it according to his will and pleasure, knowing that his conduct would be supported by the magistrates, and the magistrates, in their turn, would be supported by the Home Department. That was the new doctrine of the present day. Rather than that such a doctrine should continue to obtain, he said it would be better to revive the Seditious Meetings Bill. Anything in the shape of a definite and positive law would be better than that the sacred right of the people should be left at the discretion of such inferior officers as parish constables or officers of police. He had stated that he could give precedents for the inquiry which he proposed in this instance to institute. He might mention two—first, the inquiry granted by Lord Althorp into the conduct of the police at the meeting in Coldbath-fields, on the 11th of July, 1833, when one or two policemen were killed; and, secondly, the inquiry granted upon the motion of Mr. Cobbett into the conduct of the police, who were charged with having acted as spies. In the first instance it was said that no disturbance would have taken place if it had not been for the interference of the police themselves. The dispersion of the meeting at Coldbath-fields created a very strong sensation at the time, and many petitions were presented praying for inquiry. What did Lord Althorp do? Why he came down to the House and moved, himself, for a select committee to inquire into the conduct of the police in dispersing the meeting. The right hon. Baronet (Sir James Graham) being at that time First Lord of the Admiralty, agreed to the inquiry so proposed by Lord Althorp, and the only individual who objected to the appointment of the committee was the right hon. Baronet the Member for Kent (Sir Edward Knatchbull). What was Lord Althorp's answer to the right hon. Baronet's objection? Lord Althorp said—

> "He believed the police force had conducted themselves with propriety since their establishment."

But he said—

> "I apprehend that every man who knows what the constitution of that force is, must admit that it is a power in the hands of the Government which ought to be watched closely. It is upon this ground, and knowing that a strong sensation (as Mr. Hume asserted) exists in the public mind upon this subject, that we think it right that the public should have the satisfaction of an inquiry before a committee of this House."

So the committee was appointed, and thus he had afforded a direct precedent for the inquiry he proposed to institute in the present instance. He hoped he should not be told, as he was the other night, that any inquiry into the matter would be an interference with the prerogative of the Crown. He maintained that these petitioners had very great reason to complain. They had submitted their complaint in a very respectful and becoming language, and it now became the duty of the House to institute the inquiry which was prayed for. He believed that every one of the allegations set forth in the petitions could be proved to the very letter. If the committee were granted, respectable persons would come forward and state that nothing could be more monstrous, tyrannical, and oppressive than the conduct of the police, whilst nothing could be more peaceable than the conduct of the people who were assembled. The right hon. Baronet might think that the law would support him in the license he extended to policemen and constables, but he did not believe that such was the law. He believed that the right hon. Baronet was encouraging the constabulary to exceed their legitimate power. Under all the circumstances he hoped he had made out a *primâ facie* case for inquiry, and that the House would support him in the motion which he begged to offer to its adoption.

Sir *James Graham*: I am sorry that it will be necessary for me to detain the House for a short time, whilst I state the grounds upon which I shall resist the motion just proposed. Relying upon the information which I have received from Mr. Jeremy, the magistrate before whom the case was heard, I shall confine myself strictly to a statement of facts. The most important point to bring under the attention of the House is the character of the meeting itself. The hon. Member for Finsbury has repeatedly called it a peaceable meeting. I will state what are the facts of the case with respect to the meeting in the chapel, which was the origin of the assembly, and of which the subsequent meeting in the Broadway was only a continuance. I held in my hand the original summons for the meeting, in which it is described as a meeting to be held in the dissenting chapel at Deptford, for the purpose of hearing a lecture by an Anti-Corn-law delegate against the Corn-laws. The clergyman of the chapel, and the trustees, were parties to that summons; and it appeared that they had invited a person named Thompson, one of the paid lecturers of the Anti-Corn-law league, to attend on the occasion, and deliver a lecture. I have not one word to say with respect to the known respectability of the clergyman and trustees; although I may entertain an opinion of my own, that it is unfortunate that a chapel should be selected as the place of meeting for such a purpose as that set forth in the summons under which the assembly was convened. I am not disposed, however, to lay any stress upon that point. Almost immediately after the meeting commenced, the influx of persons became very great. As I have stated, the original intention of the meeting was that it should be an Anti-Corn-law meeting. However, a large influx of strangers partaking of the opinions of the Chartists, took place, and immediately upon their arrival at the chapel the utmost confusion arose. A wish was expressed by the Chartists that the clergyman and trustees who occupied the platform should not be allowed to preside, and that a labouring man should be placed in the chair. I am told that a scene of the utmost violence and confusion instantly arose; that a rush was made to the platform to displace the clergyman and the trustees; that Dr. M'Douall took part with the Chartists, and endeavoured to obtain a hearing; that the tumult which ensued baffled all description; that the men shouted with rage, the women fainted with alarm; that in the midst of this uproar one of the trustees escaped from the chapel, and sought the aid of the police; that the moment the police appeared there was a shout from one of the rival parties in the chapel to attack the police, to beat them, to serve them as they had lately been served at Kentish town; that a struggle ensued which lasted for some minutes; that the chapel was eventually cleared; that Dr. M'Douall (and this is an important part of the case), finding the chapel no longer tenable, declared that he would have a meeting in the open air; that he immediately set forth for that purpose; that a large multitude followed him (constituting a continuance of the riotous meeting in the chapel); that the utmost tumult and confusion prevailed throughout the whole of the procession, until at length the doctor reached the public rostrum of Deptford, the parish pump, from the summit of which he addressed the throng; that the excitement at this moment was extreme, and the alarm of the inhabitants very great; that the crowd occupied not only the Broadway, but the whole of the public road and footpath, causing a complete obstruction; that the evening was far advanced; that darkness was rapidly approaching; that the meeting was tumultuous, and the language held by the doctor extremely violent. Under these circumstances, it appeared to the superintendent of the police to be indispensable that the meeting should be dispersed. He accordingly entreated Dr. M'Douall to discontinue his speech, in order that the multitude might quietly disperse. Dr. M'Douall refused to cease addressing the people. The superintendent told him, that if he persevered, it would be his duty to compel him to desist. Upon hearing this, the doctor consented to come down, and an offer was made to him by the superintendent to make a clear passage through the multitude for him, if he would go home. This Dr. M'Douall positively refused to do, and then it was that the police took him into custody. He was no sooner arrested, than a violent attempt was made to rescue him. Threatening language was held to the police, blows were exchanged, and three or four other persons were arrested. Under these circumstances, Dr. M'Douall was conveyed to the station-house. It is quite true, that the offer made by a friend to bail him, was refused by the superintendent. Dr. M'Douall, in his petition to that House, complained of the unpleasantries to which he was subjected in his confinement. It appeared, however, that a distinct offer was made to have other accommodation provided for him. Anything that he could reasonably require in the way of accommodation was offered to him; but he positively refused to have anything beyond what the station-house afforded. The hon. Gentleman (Mr. Thomas Duncombe) has stated what had taken place when Dr. M'Douall was brought up for hearing before the magistrate; and the hon. Gentlemen relied principally upon the fact, that none but policemen were heard to substantiate the charge against the doctor. I will not trouble the House further upon that point than to read what actually took place before the magistrate. The hon. Gentleman stated, that there had been a difficulty in ascertaining what the charge was, upon which Dr. M'Douall was taken into custody. The charge was in these terms:—

> "Dr. M'Douall was charged with causing a great number of disorderly persons to assemble in the public place called the Broadway, in the parish of St. Paul's, Deptford, and addressing them in language of a violent and inflammatory nature, tending to cause a further breach of the peace"

The hon. Gentleman (Mr. T. Duncombe) said, that the testimony of the police was not to be relied upon. I admit, that I do not place so much reliance upon the testimony of Mallalieu, who is responsible for refusing to bail the doctor. [The right hon. Baronet then read the whole of the evidence given before the magistrate, including that of the policemen and of a watchmaker, who, he contended, was a perfectly impartial witness of the whole proceedings. From this evidence, it appeared, that the meeting was of a very tumultuous and disorderly character, creating a great deal of excitement and alarm in the minds of the inhabitants, and a total obstruction of the highway.] Under these circumstances, I think it was the duty of the constables to disperse the meeting before it became dark, and that they did not exercise an unsound discretion in so doing. With respect to the character of Dr. M'Douall, it is true, as the hon. Gentleman has intimated, that this is not the first time, that he has been present at riotous and unlawful meetings. It appears, that in August, 1839, he was tried at Chester, for raising a tumultuous meeting, and sentenced to a term of imprisonment. In the present instance, it would seem that Dr. M'Douall did not complain of the manner in which he was treated by the magistrate. On the contrary, he expressed his thanks to Mr. Jeremy for the manner in which he had disposed of the case. The hon. Gentleman would lead the House to infer that some novel course has been taken in respect to this Dr. M'Douall. But I state distinctly that no new power has been given to the constables. The law in that respect has not been changed or altered by the present Government. No orders of any kind have been given to the constables of the police force different from those under which that body has acted from the first moment of its establishment. If any illegal act be committed by any one of the constables, redress is open to the party injured. But it is not the part of the House of Commons to interfere in such cases. The House of Commons may alter the law when it appears necessary to do so; but it is no part of its duty, no part of its proper function, to interfere in the administration of the law. I am not, by any means, prepared to say, that great and peculiar circumstances might not arise in which it would become the duty of that House, as the grand inquest of the nation, to institute inquiry; but I maintain, that there is nothing in the present case that would warrant such an interference. There is no analogy between the present case and that of the disturbance at Cold Bath-fields, in 1833, and the much more serious mob at Manchester, in 1819. The hon. Gentleman said, that the power exercised by the police ought to be closely watched. I do not deny it; I admit, that a power such as that entrusted to the police ought to be closely watched. The discussion in which the House is engaged is a proof that their conduct is scrutinized with a jealous eye. I will not follow the hon. Gentleman into the abstract question of the right of constables to interfere. I admit, that that right must be wholly dependant upon time and circumstance. It is, I believe, quite impossible to lay down any general rules with respect to the right of constables to interfere, that could be applicable in all cases. I am bound to state, that as far as I have observed, that power has always been exercised by the constables of police with the utmost caution. It is no doubt highly expedient, that precautionary measures should be adopted as to any meeting likely to prove dangerous, but, at the same time, I think cases might arise in which there might be no time for these precautionary measures, and in which the constable would be justified in summarily interfering. I will not, however, discuss these extreme points. I hope the majority of the House will concur with me, in resisting the inquiry, because I am satisfied, that upon the whole, the parties have been treated not only with justice, but with leniency.

Mr. *O'Connell* said, that it was quite a mistake to suppose that his hon. Friend, the Member for Finsbury, directed his motion against Mr. Jeremy—it was of the police, and not of Mr. Jeremy, that he complained. The police were the paid servants of the public, and the House ought to take care that the police did nothing in violation of the law. In the present case an outrage had been committed against Dr. M'Douall, without a particle of provocation. The decision of the magistrate was in his favour—the only thing that Mr. Jeremy did was to demand security for his good behaviour, and this was only done in order to screen the police. But the case assumed a more serious aspect when they viewed it as a denial of the right to petition, and they ought not to forget that two great revolutions had been caused in this country by the attempt to put down that right. It was said that there was great excitement at the meeting, but was this any reason for saying that it was dangerous? He thought it clearly a case of illegal arrest, and an inquiry was called for, in order to satisfy the people.

Mr. *Hawes* expected to hear one of the law-officers of the Crown state his opinion on the present question, because a more unsatisfactory opinion could not be given than that which had been given by the right hon. Baronet, the Secretary of State for the Home Department. Not long since the right hon. Baronet laid it down as the law, that a constable had the power of dispersing a meeting, and now he told them that when the constable did disperse a meeting, the party aggrieved had his remedy by an action at law. This, however, was so difficult a remedy that, to give the subject no other, was little less than subjecting him to an irresponsible and arbitrary government. With regard to the meeting in question, he did not think that the obstruction of a highway was sufficient to establish a meeting as illegal. He never heard of a public meeting which did not obstruct some highway or thoroughfare, and it was monstrous to suppose that the fact of its doing so was to be considered as a reason why a constable should interfere and put it down. This was indeed going back to the days of Toryism, and if such a doctrine were passed over unchecked and unreproved, they would no doubt have the right hon. Gentleman opposite very soon proposing the revival of the Six Acts. There was nothing in the language used at the meeting tending to a breach of the peace; and although he did not call for an expression of opinion on the part of the House, he certainly did hope that an inquiry would be granted.

The *Attorney-General* said, that he did not object to the attention of the House being called to questions like the present, nor should he ever complain that the House of Commons had been resorted to for the purpose of making known the grievances of the people, and so far, therefore, as that was the object of the present motion, he would not object to it: but he objected to the motion if it was brought forward for the purpose of inquiry. With regard to the meeting which took place, he understood, that it had been called for the purpose of hearing Mr. Thompson deliver a lecture against the Corn-laws. It seemed that some disturbance arose, and that one of the trustees sent for the police to clear the chapel, and that then the meeting adjourned to the open air. Now, he would ask whether there was any appearance of legality in that open air meeting? Could any one say, that it was a meeting constitutionally assembled for petitioning Parliament? He thought the police were justified, in strict law, in going up to the person who caused the obstruction in the highway, and in desiring him to desist. But, supposing the meeting to be legal, and supposing the arrest of Dr. M'Douall to be illegal, what, he would ask, was his remedy? If Dr. M'Douall had any ground of complaint, his remedy clearly was to have recourse to the law of the land. The hon. Gentleman opposite, wished for some expression of opinion on the part of the House and of the Government; but this might be anticipating the verdict of a jury —for aught they knew, writs may have been served, and actions commenced, and while there was, any probability of this being the case, it would be highly injudicious to express any opinion upon the subject. It would not be right—it would scarcely be constitutional—nay, he thought it would even be mischievous—if the House should interfere in the present stage of the case; and as there was no tumultuous violence at the meeting in question, no loss of life, nothing that called for the peculiar interference of that House, he thought the law ought to be left to take its course in the present instance.

Mr. *Shiel* thought, that the right hon. Gentleman was mistaken in supposing that Government had given no opinion upon this subject. The right hon. Gentleman, the Secretary of State for the Home Department, who had the whole police under his control, had stated, he thought the police on the present occasion had exercised a wise discretion. The Secretary for the Home Department had, therefore, sanctioned the conduct of the police, and had expressed his approbation of their conduct in his place in the House of Commons. An hon. Member opposite, (Mr. Russell) had told them the other night, that what was innovation to-day was precedent to-morrow, and the next day law. Now he was afraid that, on the next day, they would have the law of the right hon. Gentleman; and this was the reason why he attached so much importance to the present case. It ought to be remembered, that this was not the case of Dr. M'Douall—it was no complaint against Mr. Jeremy—it was the case of a number of individuals who had held a public meeting in the town of Deptford, and who had been dispersed by a constable, a superintendent of police, acting on his own authority. The other day, when the Staffordshire case was before the House, they were told that though the constable may have been wrong, yet that there was the verdict of a jury to justify him, and they were told, that they could not disturb that verdict, because by doing so they would be casting reflections, not only on the jury, but on the judge who delivered the charge. But here there was no verdict of a jury—here there was no decision of a chairman in favour of a constable. On the contrary, there was a decision the other way, the magistrates having declared that there was no evidence to show, that the meeting was unlawful. [The *Attorney-general* was understood to dissent.] The Attorney-general shook his head, but he did not think there was much in that. The right hon. Gentleman the Secretary of State, had distinctly admitted, that Mr. Jeremy had declared that there was not sufficient evidence to bring Dr. M'Douall to trial. He relied on the decision of the magistrate; let the right hon. Baronet rely on the constable whose conduct he had approved, and who he said, had exercised a wise discretion. He was only sorry, that the example of the constable had not been followed by the right hon. Gentleman. It appeared, that Dr. M'Douall was brought to the station-house, and that the person who offered to bail him was the trustee of the chapel, the individual who is stated to have called in the police to clear the chapel. [Sir *J. Graham:* No, it was another trustee.] Well, if the hon. Gentleman, to support his case, relied on the trustee who called for the police, he, to support his case, would rely on the trustee who offered bail. Then, with regard to bail. Was it a matter of discretion on the part of the police to refuse bail? It was refused. Well, Dr. M'Douall asked for a copy of the charge. He appealed to the magistrate. What did the magistrate say? He said Dr. M'Douall was entitled to it. Did he get it? No. The police was applied to for a copy in conformity with the direction of the magistrate, but the superintendent of the police said he did not care for the magistrate. It was not to the magistrate, it was to the Home Department the policeman very naturally looked. The right hon. Baronet had said that the second meeting in the Broadway was a continuation of the first. How did he make it out? There was no riot at the first meeting. Parties had assembled together for a legal purpose. Some affray took place amongst them. What ensued? The parties were required to disperse; and they did so. Dr. M'Douall went out of the meeting arm-in-arm with one of the trustees of the chapel, and he then told the people that a discussion should take place out of doors. No riot took place; there was no confusion; but simply an obstruction of the thoroughfare. But was a man to be seized by a policeman because of an obstruction of the public way by reason of a multitude having assembled together? It did not appear that the police exerted any effort to secure a passage through the crowd for the public. That was not done; but because, as the policeman alleged, certain seditious language was used, he took upon himself to disperse the meeting, and to take Dr. M'Douall into custody. Had a constable a right to disperse a public meeting? If a riot had occurred, or if the Riot Act had been read, he admitted that the constable would then have had a right to interfere; but with what caution had the Legislature proceeded in this matter. The 1st George 1st, chap. 50, enacted that the Riot Act should be read by a justice of the peace, and the meeting proclaimed to be dissolved: and then, if the people continued together after a certain time, the power of the constable arose. But the inchoate right existed only in the magistrate. Similar precaution had been taken in other acts of the Legislature — the Training Act, for instance. Parliament had always been jealous of confiding to a constable a power that might be so abused. Under all the circumstances, he was surprised that any inquiry should in this instance be refused. The right hon. Baronet had said, "Leave the man to the law;" but he did not leave him to the law: he approved of the constable's conduct. By doing this, the right hon. Baronet gave excitement to the police to repeal these acts. If this were an isolated case, he should not care much about it. But the doctrine which had been broached at the Home Office was what he dreaded, for it was such as might lead to the most vicious and dangerous consequences.

The *Solicitor-General* thought the right hon. Gentleman misunderstood the nature of the Riot Act. He seemed to be of opinion that in order to disperse a meeting the Riot Act must be first read by a magistrate. Now, that was not so. The object of reading the Riot Act was to constitute the act of the people continuing assembled after the proclamation made by the magistrate a felony. But according to law, if a constable saw persons assembled together, and acting in a manner which he believed would lead to a breach of the peace, he was at liberty, upon his own responsibility, to disperse them. It was not, however, necessary for him to enter into a discussion of this question. The only thing the House had to consider was, whether upon the facts of this case, any ground had been made out for the House to grant a committee of inquiry. Observe, two concessions had been made. It had been admitted by the hon. Member for Lambeth, that what took place within the chapel was sufficient to authorize the police to clear the chapel and disperse the people; and every one who had spoken admitted that no blame attached to Mr. Jeremy, the magistrate. Let it be recollected that Mr. Jeremy did not discharge Dr. M'Douall. What Mr. Jeremy in effect said was, that Dr. M'Douall had been guilty of a breach of the peace, or at least of conduct that was censurable, but not of that description which authorized him to commit him to take his trial; but, although he would not commit him, yet he would not discharge him, unless he entered into his own recognizance to keep the peace for a certain time. The meeting out of doors was a continuation of the meeting within the chapel; and he submitted to the House that the motion of the hon. Member for Finsbury ought not to be acceded to. It was tantamount to asking the House to pass a vote of censure not only upon the police, but upon the magistrate who called upon the party to give bail. He hoped the House would, by a large majority, negative the motion.

Viscount *Palmerston* said, it really appeared to him that those who had objected to this motion had given very good reasons why the House should agree to it, especially the Attorney-general, because he had stated that he did not at all object to matters of this sort being brought under the consideration of the House. But then the hon. and learned Gentleman was against any result, he was against any inquiry. What was the character of the present discussion? Here were statements made on the one side, tending to show great impropriety of conduct on the part of the police; and here were statements made on the other side, denying many points in those statements, and alleging that the conduct of the police was wise and discreet. If there could e any case in which an inquiry could enable them to arrive at the truth, amidst such conflicting statements, and to ascertain the true from the false, he thought this was the case. He, therefore, thought the premises laid down by the Attorney-general led to a very different conclusion to what that hon. and learned Gentleman had come to. If it were proper that such matters should be discussed in the House of Commons, surely it was proper that the House should be enabled to come to some conclusion as to the facts brought before them. It appeared to him, therefore, that very good grounds had been laid for the committee now moved for. It seemed, from the statements made on both sides, that the conduct of the police was not very wise or discreet. It had not been alleged, either by the Attorney-general or the Solicitor-general, that the second meeting was an illegal one. He had understood the Attorney-general to say that he would not undertake to declare whether a meeting which led to an obstruction of a thoroughfare might or might not be an illegal meeting. Well, then, if it was not illegal, upon what ground was Dr. M'Douall apprehended? It must have been in consequence of something he said, which in its nature was actionable. But when he was brought before the magistrate, the magistrate did not put him upon his trial for anything done by him illegally, but he bound him over to keep the peace. He confessed that, as far as he understood the case, he was not disposed to go so far as some hon. Members had done in approving of the conduct of the magistrate; for it appeared to him very questionable whether Mr. Jeremy, who, having found nothing objectionable in the meeting, or in the conduct of Dr. M'Douall to render him liable to a prosecution, was justified in holding that party to bail to keep the peace. To him, therefore, it appeared that this matter involved a principle of some importance—the principle, namely, of determining to what degree, and in what cases, constables' were justified in interfering with the proceedings of a public meeting, and arresting individuals who were taking a part in those proceedings. He was of opinion that in the present instance the constable had exceeded his proper line of duty. He might be wrong, but he thought, especially at this moment, when Parliament was about to separate, and when public meetings would no doubt soon take place in the country, and when constables might be induced, from a mistaken sense of their duty, to interfere with the proceedings of the people, he thought that this was a proper opportunity to institute an inquiry to ascertain to what extent the constable had in this case interfered, in order that the fact might be established, not according to *ex parte* information, but by hearing the evidence on both sides. But this inquiry he did not conceive would necessarily imply a censure either upon the police or the magistrate. When the real facts were known, should any ground of complaint appear against the conduct of the police, then the Government might be able to take steps to prevent similar interference on the part of the police in future. He, therefore, thought the circumstances perfectly warranted the motion for a committee of inquiry.

Sir *R. Peel*: Sir, my right hon. Friend, the Secretary of State for the Home Department, under whose superintendence the metropolitan police force generally acts, has intimated to the House that, in his opinion, there is no ground for his interference, upon the subject which the hon. Member for Finsbury has brought before it in this motion. And, Sir, supposing this House, without information before it, was dissatisfied with the judgment of my right hon. Friend, and there was no other alternative to adopt, no other mode afforded of conducting the inquiry asked for, than by the intervention of a committee of the House of Commons, then, in such case, there might be some plausible ground for this investigation. But are there no means of determining whether this constable has acted in a proper manner or not? Is the decision of my right hon. Friend, the Secretary of State, final upon this subject? The hon. Member for Finsbury is not the only person who may institute proceedings against this person; but, at a very moderate cost, you may compel the legal tribunals of the country to give a solemn judgment on the case. An action for false imprisonment may be brought against him, or an action may be brought against the magistrate for his refusal to take bail in the matter; and, as I have already said, for a very moderate sum, you may have the opinion, upon the case, of the regular legal tribunals of the country. And which would be likely to be the most satisfactory decision of the two—the decision of a court of law, or that of a committee of the House of Commons? Suppose the committee were to say the constable acted illegally. That could not be accepted as any legal rule upon the subject. Whereas a court of law, hearing both sides on their oath, which the House of Commons cannot do, could pronounce a decision which, I should imagine, would be more satisfactory than any one which we can here deliver. Which decision, I ask, do you think would be the more satisfactory to the country at large? And why not, then, adopt this mode of inquiry into the case—why not take this step for the purpose of ascertaining whether the conduct of this constable has been correct or not? Sir, I, for my part, deprecate the principle of the House of Commons being called upon to exercise the judicial function; and I cannot help thinking, that this House will suffer materially, by being placed in the position of having to decide upon these points of law. I should be the last man in the world to encourage constables to transgress the law, or to bring it into discredit with the country, by a constantly annoying enforcement of its provisions, even, perhaps, where right might be on their side. But let us remember the peculiar position in which these men are placed, and let us forbear from deterring them from the honest and conscientious discharge of their duties, by our censures upon their conduct, and by our immediate and hasty inquiries into it. To take such an inquiry out of the hands of the regular tribunals of the country into our own, does imply a *primâ facie* case against them. Take the case of the men referred to in this motion, and if, in consequence of their non-interference on the occasion in question, more serious disturbances had occurred, and loss of life had taken place, what would you have said then? What judgment would you have formed then? It appears that, owing to the conduct of one of these constables, whose acts are chiefly impugned, at all events no riot took place, and no one was injured. Suppose the contrary had been the case, what would then have been said? Why, you would then have set to work to collect together all the facts of the case, and you would have found, perhaps, that there had been a conflict, in which Corn-law repealers were engaged on one side, and Chartists on the other. But there were seats broken, it appears, in this scuffle. Why, we have temper enough in this House, at times. And suppose we were to tear up the seats here, would there be a doubt as to the nature of the contest, or the propriety of interference? Many men take different views of the nature of a scuffle; and the right hon. and learned Member for Cork, I believe, in speaking of the Irish rebellion, said there was a "hurry" in 1798, and somebody else once spoke of the "dispute" in Connaught. Men, as I have said, take different views of scuffles and squabbles; but, at all events, it appears that, in the present instance, the seats of the chapel are torn up, and the meeting, which the religious solemnity of the place did not prevent from taking the turn I have mentioned, was adjourned, at half-past eight o'clock in the evening, when it was already dark, to the open air. With respect to the power exercised by the police, I acknowledge that it is a discretionary power, which they must exercise on their own responsibility. But, in this case, when a constable hears such cries as these, "Serve out the police," "Bludgeon the police," and so forth, it appears that he says to himself, "If a serious riot ensue, and lives shall be lost, the blame will be severely visited upon me, if I do not interfere to prevent it." He does so; he takes the person in question up, and he goes, in the ordinary way, before a magistrate. Under such circumstances, all I say is, that if you are dissatisfied with the result of those proceedings, it is now open for you to go before a court of law with your case—the tribunal, in short, to which the decision, in such matters, ought properly to be left.

Mr *Thomas Duncombe* replied. The right hon. Baronet, the Secretary of State for the Home Department had quoted reports in opposition to the facts of the case. [Sir *James Graham* said, that the report he quoted from, was taken on oath before the magistrate.] There were several reports. There were reports published by the newspapers. He should like to ask from what source Mr. Jeremy derived his report? Did he keep a reporter? The right hon. Baronet, at the head of her Majesty's Government, also appeared to rely upon Mr. Jeremy's report; but he would maintain that the greater portion of what Mr. Jeremy had stated (of course, he derived it from others), was a gross misrepresentation of the facts. ["Oh, oh!"] It was no use their saying oh, oh. Grant him a committee, and he would undertake to prove it. The right hon. Baronet (Sir R. Peel) had adopted the view of his right hon. Colleague, that the meeting in the chapel, and the meeting in the Broadway, were a continuation of the same meeting, and that, as a disturbance had occurred in the chapel, where seats were torn up, and pews broken down, the meeting in the Broadway partaking of the same character. Now, grant him a committee, and he would prove that no seats were torn up, nor any pews broken down. There was the evidence of Mr. John Wade, who was called against Dr. M'Douall. What did he say? He said:

"I am a builder and shopkeeper, living in Deptford. I am a trustee of the Independent chapel. I drew up the hand-bill produced, and it was published by my direction, in concurrence with the Rev. J. Pullen, the minister. It was not for any discussion that meeting was called. Its purpose was to excite sympathy for the distressed, but not for an immediate subscription. A subscription had been forwarded before the Queen's letter came out. It was to hear a lecture on the distress of the country. The chapel was pretty full at seven o'clock, when I entered it. There was a little disturbance at the commencement of the meeting. Some persons who were strangers, wished to speak and enter into a discussion, which was contrary to the object of the meeting. The person announced as lecturer did not come, but another person was asked to supply the vacancy. The disturbance passed off, and Mr. Taylor proceeded with his lecture, and having concluded it, sat down. There was a little disturbance, and the minister of the chapel dissolved the meeting. There were about one thousand persons present."

The hon. and learned Gentleman (the Attorney-general) seemed to think that the police cleared the chapel. No such thing. The minister and Mr. Taylor dissolved the meeting, because the object for which the meeting had been called had been fulfilled. Mr. Wade went on to say:—

"After the minister had dissolved the meeting, the place was cleared. The people walked out without any disturbance. The meeting separated peaceably. There were police there. I think they were sent for by my brother. I understood from him that some persons had attempted to get possession of the platform at the beginning of the meeting, and that they had been sent for in consequence. I saw the police remonstrate with some persons who were disturbing the meeting, and endeavouring to get upon the platform. I saw Dr. M'Douall there. He was not invited. He was one of the audience. I saw nothing improper in his conduct. The Rev. Mr. Pullen dissolved the meeting by saying, 'I dissolve this meeting.'"

This witness was cross-examined by Dr. M'Douall, and he stated this:—

"I stood beside you on the platform. I saw nothing improper in your conduct whatever. I heard you say that a discussion should take place out of doors. I did not hear the chairman propose any adjournment. There was no right to adjourn the meeting. The meeting had not the power to elect a chairman. No resolution was proposed. It was an invitation for the ministers and trustees to come and hear a lecture. I know nothing about the meeting on the Broadway. I could not gather, from your gestures, that you werg likely to create a breach of the peace. Mr. Taylor was invited by me. Mr. M'Douall, Mr. Taylor, and myself, walked away arm-in-arm."

This was the evidence of one of the witnesses brought by the police against Dr. M'Douall, and yet the right hon. Baronet was endeavouring to prove that Dr. M'Douall had created a breach of the peace in the chapel. The right hon Baronet had somixed up the meeting in the chapel and at the Broadway, that nobody could tell what part of the proceedings he was talking about. Grant him a committee, and he would prove, that the statements of Mallalieu were false. When he came to Mr. M'Douall, that gentleman said, "If you say that this is an illegal meeting, and if you will allow me to say so to the people, I will immediately disperse them." The answer was, "No, come down." Mr. M'Douall came down from the pump, and he was then desired to go home, and was directed towards Deptford. Mr. M'Douall said, "No, that is not my way, I want to go to London." What followed? He was immediately taken into custody, and conducted to the station-house. What took place at the station-house had already been stated. Mr. Jeremy's report said that Mr, M'Douall had every accommodation in the station-house. Was that true? No. Mr. M'Douall asked for a pillow and some covering, but it was refused, and he remained in the cell on the bare boards. That was not the way in which Mr. M'Douall should have been treated for such an offence. He would not say that the right hon. Baronet (Sir R. Peel) was inconsistent in refusing this inquiry; but certainly he did think, that the right hon. Baronet, the Secretary for the Home Department, and the noble Lord sitting near him (Lord Stanley), both of whom were once the Colleagues of the authors of the Reform Bill, were acting in opposition to the principle which their former alliances espoused. It was the principle of Toryism to refuse all inquiry; therefore the right hon. Baronet, at the head of her Majesty's Government, was perfectly consistent in doing so on this occasion. But he knew, and his right hon. and noble Colleagues knew, that they had a bad case, and what had been reported to them, and which had been stated by the right hon. Baronet, the Secretary of State for the Home Department to the House, he would, if they would grant him a committee, prove to be false. The police was, as Lord Althorp had once said, a formidable power to be placed at the disposal of the Government. They were armed and trained, and were, in fact, equal to soldiers. It was said, that if these things were not prevented, blood would be shed. He told them that blood would be shed. If these things were done, the people would not consent. Let hon. Members read the petition.

> "Your petitioners are all of opinion, that as the meeting was peacefully assembled, so it would have peacefully dispersed, had it not been for the unjustifiable violence of the police, to which, if your honourable House affords no remedy, your petitioners do not feel bound to submit."

He told them plainly, that these doings would some day tend to create a disturbance, and if blood should be shed, every drop would be upon the heads of those who held the doctrines that night broached, and who came down to support this gross violation of the people's rights.

The House divided:—Ayes 30; Noes 89:—Majority 59.

List of the AYES.

Aldam, W.
Bowring, Dr.
Brotherton, J.
Bryan, G.
Callaghan, D.
Colborne, hn. W. N. R.
Dalmeny, Lord
Duncan, G.
Ebrington, Visct.
Escott, B.
Fielden, J.
Fitzroy, Lord C.
Howard, hn. C. W. G.
Martin, J.
Morris, D.
O'Connell, D.
O'Connell, M. J.
Palmerston, Visct.
Pechell, Capt.
Philips, M.
Ponsonby, hn. C. F. A. C
Pulsford, R.
Scholefield, J.
Sheil, rt. hon. R. L.
Thornely, T.
Tufnell, H.
Villiers, hon. C.
Wall, C. B.
Wawn, J. T.
Williams, W.

TELLERS.
Duncombe, T.
Hawes, B.

List of the NOES.

A'Court, Capt.
Antrobus, E.
Arbuthnott, hon. H.
Arkwright, G.
Baird, W.
Baldwin, B.
Bateson, R.
Bentinck, Lord G.
Blakestone, W. S,
Bodkin, W. H,
Boldero, H. G.
Borthwick, P.
Botfield, B.
Broadley, H.
Bruce, Lord E.
Buller, Sir J. Y.
Chetwode, Sir J.
Clerk, Sir G.
Cockburn, rt. hn. Sir G.
Colvile, C. R.
Corry, rt. hon. H.
Courtenay, Lord
Cripps, W.
Damer, hon. Col.
Darby, G.
Dawnay, hon. W. H.
Dick, Q.
Douglas, Sir C. E.
Eliot, Lord
Farnham, E. B.
Fitzroy, Capt.
Fitzroy, hon. H.
Flower, Sir J.
Follett, Sir W. W.
Ffolliott, J.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Gore, M.
Goring, C.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greene, T.
Grimston, Visct.
Grogan, E.
Hamilton, W. J.
Hamilton, Lord C.
Harcourt, G. G.
Hardy, J.
Hawkes, T.
Henley, J. W.
Herbert, hon. S.
Hogg, J. W.
Hope, hon. C.
Jermyn, Earl
Jones, Capt.
Kemble, H.
Knatchbull, rt. hn. Sir E.
Lincoln, Earl of
Lockhart, W.
Maclean, D.
M'Geachy, F. A.
Marsham, Visct.
Morgan, O.
Mundy, E. M.
Nicholl, rt. hon. J.
Norreys, Lord
Northland, Visct.
Packe, W.
Peel, rt. hon. Sir R.
Peel, J.
Polhill, F.
Pollock, Sir F.
Pringle, A.
Richards, R.
Rose, rt. hon. Sir G.
Round, J.
Somerset, Lord G.
Stanley, Lord
Stewart, J.
Stuart, H.
Sutton, hon. H. M.
Taylor, T. E.
Thompson, Ald.
Trench, Sir F. W.
Trotter, J.
Vivian, J. E.
Young, J.

TELLERS.
Fremantle, Sir T.
Baring, H.

TOBACCO TRADE REGULATIONS.] On the question that the House resolve itself into a committee on the Tobacco Bill,

Mr. *T. Duncombe* had hoped that the right hon. Gentleman would not proceed with this bill. He had presented several petitions against it, and he trusted that the parties interested would be allowed till next Session to get rid of their stock in hand, and to invent some means for avoiding these vexatious and inquisitorial powers. The bill was introduced to prevent adulteration, and yet no adulteration could make tobacco more deleterious than it was. At least this he would say, that the proposed vexatious and inquisitorial process would nòt gain the object which the right hon. Gentleman had in view. The parties most interested complained of the persecution to which they would be subject from the Excise officers, and they especially complained of the time at which the bill was brought in. It was not till the 23rd of June that it was heard of, and the trade was taken by surprise. The hon. Member moved that the bill be committed that day three months.

The *Chancellor of the Exchequer* said, that the question was simply one of revenue. The measure had not been introduced except upon mature consideration, and after inquiries upon the subject had been made in the trade. He had received many communications from the trade, and the result was strongly in favour of the measure which was proposed. The adulteration of tobacco had long prevailed, and was much increasing, and the consequence of continuing the existing system would be only still further to increase the evil which now prevailed, and this was a strong reason why the question should be no longer postponed.

Mr. *Hawes* reminded the House that the measure now under discussion was one which had been abandoned by the late Government. The power of carrying out the measure by establishing an inspection and analysis on the spot had been reported by the commissioners who had inquired into the subject to be impracticable. The new system would, besides, require an enormous increase in the Excise establishment, and he thought that the right hon. Gentleman had better make a merit of a necessity, and withdraw the bill. He doubted whether it would be possible to prevent adulteration, and he begged to point out that, unless the dealer was placed under the same degree of surveillance as the manufacturer, the seat of the adulteration would only be transferred from the latter to the former individual.

The *Chancellor of the Exchequer* admitted that the London trade was in favour of the old system, but he had received communications from the country districts, and from large towns in various parts of the kingdom, making representations favourable to this measure.

The House divided on the question that the word "immediately" stand part of the question:—Ayes 53; Noes 9; Majority 44.

List of the AYES.

Acland, T. D.
Allix, J. P.
Arbuthnott, hon. H.
Arkwright, G.
Baird, W.
Baldwin, B.
Baring, hon. W. B.
Boldero, H. G.
Callaghan, D.
Chelsea, Visct.
Clerk, Sir G.
Colville, C. R.
Cripps, W.
Darby, G.
Dick, Q.
Douglas, Sir H.
Douglas, Sir C. E.
Eliot, Lord
Flower, Sir J.
Ffolliott, J.
Forbes, W.
French, F.
Fuller, A. E.
Gaskell, J. Milnes
Gordon, hon. Capt.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greene, T.
Hardinge, rt. hn. Sir H.
Hardy, J.
Henley, J. W.
Hope, hon. C.
Hutt, W.
Kemble, H.
Knatchbull, rt. hn. Sir E
Leicester, Earl of
Lockhart, W.
M'Geachy, F. A.
Morris, D.
Nicholl, right hon. J.
Palmer, G.
Peel, J.
Polhill, F.
Pollock, Sir F.
Pringle, A.
Rose, rt. hon. Sir G.
Russell, C.
Stuart, H.
Sutton, hon. H. M.
Trench, Sir F. W.
Trotter, J.
Vivian, J. E.
Young, J.

TELLERS.

Fremantle, Sir T.
Baring, H.

List of the NOES.

Bowring, Dr.
Brotherton, J.
Duncan, G.
Martin, J.
Pechell, Capt.
Philips, M.
Scholefield, J.
Smith, right hon. R. V.
Tancred, H. W.

TELLERS.

Hawes, B.
Duncombe. T.

Main question agreed to.

House in committee. Clauses agreed to. The House resumed. Report to be received.

ECCLESIASTICAL CORPORATIONS LEASING.] Sir *J. Graham* moved the further consideration of the report of the Ecclesiastical Corporations Leasing (No. 2) Bill.

Mr. *Vernon Smith* was aware that to oppose a motion for a recommitment of a bill like the present at that perion of the Session was equivalent to getting rid of it for the present year, but if, in the present instance, this should be the case, he would take the responsibility and consequences on himself. He trusted that he should be able to convince the right hon. Baronet at the head of the Government that it would be advisable to postpone this measure until next Session. He would remind the House that was not the bill of the right hon. Baronet the Secretary for the Home Department, who now had the charge of it, but it was the bill of the Bishop of London, and he certainly should treat the measure with all the respect due to that right rev. Prelate, knowing as he did his talents and business-like habits. He believed that the bill passed through the House of Lords without discussion; at least, he could find no record of any thing of the kind in the ordinary channels of information. The bill also might have passed through that House probably without observation, had it not attracted the attention of the Speaker or some other competent authority, who pointed out that a measure of the kind could not originate in the other House. To remedy this the right hon. Member for Dorchester introduced this bill with the view of getting rid of the difficulty in point of form. This bill had passed through two or three of its stages, when his attention was attracted to it in consequence of the interest which he took in the subject of Church-leases, and he had intimated his intention to object to the further progress of the bill in its present form. The right hon. Gentleman had postponed the measure from day to day, and he had to thank the right hon. Baronet for his courtesy in consulting his convenience on the subject. The House would remember that the subject of Church-leases was one that excited a great deal of attention. In 1837, the then Chancellor of the Exchequer proposed that there should be a new arrangement of Church-leases, with the view of making provision to get rid of the question of Church-rates. The resolution which was proposed on the subject was carried by such a very small majority that the Chancellor of the Exchequer was induced to submit the question to a committee to inquire into the entire subject. The committee was appointed, and after a certain period, which was devoted to the careful investigation of the subject, it made a report, and laid on the Table the evidence which it had taken, and which extended to a very considerable length. The report of the committee concluded with five resolutions, or rather recommendations, which he would read to the House. The committee recommended.

"1. The abolition of the injurious system of fines upon leases for lives, and also upon leases for terms.

"2. The substitution of a fee simple, for a leasehold, tenure, throughout the property of the Church.

"3. An act to provide for the conversion of Church leasehold into fee-simple, commonly called enfranchisement.

"4. The customary confidence of renewal by the lessee to be considered according to local circumstances, by the authorities established under this act, in the principles of enfranchisement laid down by them.

"5. The interests of the Church, present as well as future, to be provided for by a combined system of money payments and corn rent-charges."

These recommendations could very easily be understood, and the obvious purport of them was, that if by the improved management of Church-leases suggested any surplus should arise, it should be devoted to such purposes as might be deemed calculated to promote the public interest and the interest of the Church. The House would recollect that the present Chancellor of the Exchequer proposed an amendment to the resolution that any surplus that should arise should be devoted to the payment of Church-rates, to the following effect:—with the view of applying such amount to the gradual diminution of the evils which flow from the deficiency in the means of religious instruction and pastoral superintendence by ministers of the Established Church. This amendment was negatived by a majority of 295 to 267. This state of things showed that the large party now in power considered that all sums derived from such improvements as were contemplated under the improved management should be devoted to strictly Church purposes. His reason for now proposing the re-commitment of this bill was, that it did not fulfil the intentions of the proposition made as an amendment by the present Chancellor of the Exchequer in 1837. In the first place he would allude to the ecclesiastical corporation sole. These had already been dealt with by the 6th and 7th William 4th. That act referred to the constitution of ecclesiastical corporations sole, such as bishoprics. It was settled, by the first section of the act, that certain sums should be paid out of the revenue of the several bishoprics, to the ecclesiastical commissioners, and that the remainder should be appropriated to the bishop of each diocese. The act implied, that each bishop should be allowed a certain amount, not exceeding a fixed sum; and that the remainder of the revenue of each bishopric should not exceed a certain sum. The act, however, did not make provision for the future constitution of the revenue of the several bishoprics, or for such improvements that might be made in them as were contemplated by this bill. Another bill to which he wished to allude, referred to the ecclesiastical corporations aggregate—such, for instance, as deans, and canons, and prebends. This act referring to canons and prebends—namely, the 2nd and 3rd of Victoria, provided, that the revenues of all such offices should be invested under the commissioners, and provision was also made for the abolition of several such offices, and for the apportioning the revenue of the remainder. The surplus revenue so provided also was to be devoted to the augmentation of small livings. He did not see, however, under these acts, how a future increase of incomes, derived either under corporations sole or aggregate, could be invested in the hands of the commissioners. There was no allusion made in either of these acts, as to dealing with such an increase of income as was contemplated under this act, therefore the commissioners could have no possible control over it. The bill would enable corporations sole and aggregate to grant leases for ninety-nine years; and, under its operations, both bishops, as well as canons and prebendaries, would receive a much larger sum than was contemplated by the act of 3rd and 4th Victoria. In the first section it was provided, that ecclesiastical and spiritual corporations should be empowered to grant building leases; and after the general enactment came a remarkable provision, which referred to the surrender of existing leases, as if this was a mere matter of bargain between the existing lessor and lessee. In the fifth clause there was a confirmation of this provision; and in the ninth clause, there was a much stronger confirmation of it, and of any bargain that might be made between the lessor and the lessee. Was it not clear, then, that the existing lessee would be greatly benefitted, and that a portion of the revenue of these ecclesiastical corporations would be devoted to other purposes than those proposed by the present Chancellor of the Exchequer in his amendment to the resolution of Lord Monteagle in 1837? There were some other clauses in the bill which he should feel called upon to comment on if the House allowed the bill to be re-committed. He would also shew, that it was just possible that some corporations sole would be dealing with lessees with the view of only bettering themselves for the present time, without looking to the ultimate interests of the Church. On this point, he would refer to a striking case which had been referred to by his noble Friend, the Member for the city of London, and the truth of which he believed had never been denied. His noble Friend said:—

> "I will refer only to one case, and that probably, may receive an explanation. The case occurred in 1765, when the Dean and Chapter of the Cathedral of St. Paul's conveyed away certain church property in the manor of Finsbury. It appears, that the Corporation of London being desirous to acquire certain property in Finsbury, obtained the sanction of Parliament, and, in consequence, a lease of sixteen years was cancelled, with the consent of the Bishop of London, into a lease for ninety-nine years, the moiety of income of the property to go to the corporation, the other moiety to Dr. Wilson for life, and at his death two-thirds to go to his heirs; the consequence of which was, that only one-sixth went to the church, and the other five-sixths to the city and Dr. Wilson's heirs. Thus, it appears, that five-sixths of the estate were alienated, and only one-sixth left to the church."

Now he feared that some such proceedings would take place under this bill. He might be told, that there was some check on improper bargains being made respecting the granting of leases. Now, the check that he found in the bill was, that consent for the validity of a lease must be obtained from the governors of Queen Anne's bounty.

Sir *J. Graham* said, that it would perhaps be convenient if he at once stated that he intended to propose that this control should be given, not to the governors of Queen Anne's bounty, but to the ecclesiastical commissioners.

Mr. *Vernon Smith* thought, that this was a most important alteration in the bill, and made an important change and improvement in the whole of the provisions of the bill. In saying this, however, he must add that the best mode of arrangement could not be secured by the change proposed by the right hon. Baronet. He believed that the new scheme of arrangement proposed under the act of the 6th and 7th Will. 4th, would come into operation next year, and he must say that the new arrangement proposed under this bill would materially interfere with it. He would only press on the right hon. Baronet to postpone the consideration of this bill until next Session, and he did so in consequence of the circumstances under which they then stood. The hon. Baronet the Member for the University of Oxford having given notice at the early part of the Session of a motion on the subject of Church Extension, he was induced to abandon his motion within the last fortnight in consequence of the declaration of the right hon. Baronet at the head of the Government, who promised that he would give the subject his consideration, and would communicate his views on the subject at the early part of he ne t Session. Now, as he was a party to bringing forward the proposition of 1837 for improving Church property with the view to the abolition of Church-rates, and as in the present state of parties and of that House there was no chance of carrying that plan into effect, he was extremely anxious that this increased revenue, or funds derived from the improved management of Church property —he was extremely anxious that all funds so obtained should be devoted in conformity with the proposition of the present Chancellor of the Exchequer in 1837, which he had already read to the House. He did not wish the revenues of bishops, and deans, and chapters, which had been settled by Act of Parliament to be disturbed; and he confessed that he was as anxious as any one to promote the augmentation of small livings, and the erection of churches where necessary. He would recommend that the bill should be postponed until next year, and in the mean time investigations should take place to see whether the increased funds which would be derived under a bill like the present should not be devoted to the promotion of the objects of the resolution of the right hon. Member for the University of Cambridge. [Sir *R. Peel:* "Such an object would be incompatible with the present bill."] The right hon. Gentleman must excuse him for saying, that if he entertained such an opinion he hardly could have attended to the bill at all. It would be found that no provision had been made for augmentation of revenue that was derivable from an improved mode of management. He felt assured that the right hon. Baronet could get plenty of funds for Church Extension from this source. He was most anxious that the attention of the right hon. Baronet should be called to the report and the evidence before the committee. The calculations on which the then Chancellor of the Exchequer founded his plan appeared on inquiry to be erroneous, and somewhat exaggerated. It appeared, however, after the strictest calculations, that Mr. Finlaison's calculations were perfectly accurate. That gentleman took the valuation of Church property in its whole at 12,617,443*l.* The interest at 4 per cent. was 504.698*l.* The income received for fines by deans and chapters, 260,631*l.*; thus giving an annual surplus or perpetual annuity of 254,067*l.* According to the calculation made before the committee of 1839, it appeared that the value of Church property was 14,186,183*l.*; interest, 567,447; renewals, 260,631*l.*; thus giving a surplus of of 306,816*l.* He invited the attention of the House to this sum of 306,816*l.*, which it was proved might be derived from improved management of Church property. The effect of the bill under the notice of the House would be to part to a considerable degree with that revenue. It was worthy the attention of the Government to consider the question of the postponement of the measure upon that ground, and particularly as the operation of the bill this year was not more necessary than it had been for the last ten or fifteen years. He believed that since the time of Henry 8th, the Church had never been allowed to grant building leases as contemplated by the bill, except by particular acts and in particular cases. The improvement expected in the value of the lands to be leased under the new measure, should not, he contended, be carried on in the mode which the bill proposed; but, under a voluntary scheme between the lessors and lessees, a very large fund might be raised from the improved management of Church property. He urged upon the Government the impropriety of passing this bill during the absence of almost every hon. Member who had taken a part and an interest in the subject. It was a question which, if due time was allowed, might be settled to the mutual satisfaction of all parties; but the public would not be satisfied when called upon for funds for the purpose of Church Extension, did they find that a bill had been passed, the effect of which would be to prevent funds from being raised, which might otherwise be obtained by the judicious management of the property of the

Church itself, and which might be applied to its extension and the promotion of its interests. The right hon. Gentleman concluded by moving that the further consideration of this bill be postponed until this day three months.

Sir *J. Graham* said, that it was impossible to listen to the speech of the right hon. Gentleman without admitting that he had argued the question with great ability and fairness. The subject was in itself a very complicated and a very difficult one. He thought it would be expedient for him on this occasion to follow the course adopted by the right hon. Gentleman, and forbear from arguing the abstract question of the propriety of the alienation of the increased value to be given under the new system to Church lands, to purposes other than the uses of the Church itself. The right hon. Gentleman had stated that with respect to Church-rates, he should prefer seeing the expected increased amount of value appropriated to defray these rates, rather than assigned to any other use; but for the purposes of argument, he assumed that it was expedient to consider the increased value about to be given with reference to the strict ecclesiastical purpose of the augmenting of livings insufficiently endowed, and for the extension of the operation and utility of the Church. Now he was most anxious that any increased value to be given to Church property by this enactment, should be made available for the purposes contemplated by the right hon. Gentleman, and more especially set forth in the resolutions of the hon. Member for Oxford. He could not lose sight of the purposes of the motion of that hon. Baronet; and he had the strongest possible opinion, that until all legitimate modes of enhancing the value of Church property should be exhausted, the question did not fairly rise that the State should be called on to contribute to the funds of the Church. He was most anxious that all possible means should be made use of for raising money from the property of the Church itself for the promotion of the sacred purposes of the Church; and he believed that there was nothing in the bill before the House inconsistent with that principle; but, on the contrary, that it involved a step, and a considerable one, in what was generally admitted to be the right direction. The right hon. Gentleman had given an accurate description of the origin of the bill. It was introduced into the House of Lords by the Bishop of London, and he had undertaken its management in the House of Commons. The right hon. Gentleman had alluded to the Church-leases committee, but there was nothing in the five recommendations of that committee incompatible with the principles of the bill. It got rid of leases for lives, or at least it held out a strong inducement to substitute leases for ninety-nine years in lieu of leases for lives; and it also abolished fines on renewals. Now, was there anything in these objects inconsistent with the public interests viewed apart from those of the Church? He contended, that he would appeal to any hon. Member on the subject, whether the public had not the greatest interest in the substitution of leases of ninety-nine years, which gave them a certain fixed term, in lieu of renewal for lives? The public had the greatest possible interest in the improvement of Church lands, and he did not see any public interest which militated against the bill; on the contrary, he saw every advantage likely to flow to the public from its adoption. To return to the interests of the Church itself, apart from that of the public, the measure would be most advantageous to the Church, and would give to incumbents the greatest possible interest in improving the value of Church property. In former discussions upon this subject a case had been put—by the hon. Member for Bath, he believed—of the possibility of the operation of the bill, giving an opportunity to an incumbent of a corporation sole to appropriate the augmentation of the value of Church lands prospectively to his use and that of his successors. They were then told, that generally speaking, these incumbents were vicars in large towns; but he felt that it was possible, that from the operation of the bill, that over-endowed cures might be established in the heart of manufacturing towns and in dense populations, from the increased value given to Church lands. He fully felt the force of this argument, and it appeared to him necessary to take prohibitive steps against the occurrence of such a contingency. With that view he had framed a clause, with the consent of the heads of the Church, which he would introduce on the third reading, and which provided, that after the life of the present incumbent, where the population did not exceed 2,000 persons, the income of the incumbent should not exceed 600*l.* per annum; that where the population was not greater than 1,000 the income should not exceed 500*l.*; and, in cases where the population was still smaller, that the income should not exceed 300*l.* He could confidently recommend the bill to the House upon the very principles urged by the right hon. Gentleman opposite. He would always maintain the impropriety of applying Church funds to any other than Church purposes. He thought the bill to be compatible with this purpose, and he would introduce a clause to assimilate the footing on which the chapters stood throughout the country. The bill was intended to place at the disposal of the ecclesiastical commission, the largest possible amount of funds for the endowment of new livings, and for the augmentation of the incomes of the many, which were so shamefully insufficient.

Mr. *Hawes* remarked upon the present change which had been made in some of the most objectionable portions of the bill by the alterations introduced. He wished to inquire whether any part of the increased value of Church property would be given by this bill, after the death of the present incumbents, to private parties, whether lay or ecclesiastical?

Sir *James Graham* said, that the whole, without any exception, would be available to the general fund.

Mr. *Henley* believed, that the holders of Church property were perfectly ignorant of what was preparing for them by this bill. He thought a measure affecting property to so great an extent ought not to be carried through at this period of the Session.

Mr. *V. Smith* would not trouble the House to divide, but would wait to see the bill reprinted with the amendments.

Report brought up. Bill to be reprinted with the amendments, and to be read a third time.

Bribery at Elections.] Mr. *Hawes*, in the absence of the hon. Member for Liskeard, moved the further consideration of the report on the Bribery at Elections Bill.

Motion agreed to.

The hon. Member moved the addition of a clause to render treating more difficult.

Mr. *Hardy* thought the proposed clause unnecessary, the existing law being sufficient. The clause merely declared that to be an offence which was already so by common law.

The *Solicitor-General* approved of the clause, and thought it would be a very valuable addition to the bill. By the strict law it might be as his hon. Friend (Mr. Hardy) said, but it was not so in practice, which did not make treating an offence before the testing of the writ. He had known Members unseated for giving merely a little refreshment to out-voters after the testing of the writ, where no corrupt motive could be shown to have existed. This was an evil on the other side which the clause would remedy.

Mr. *Aglionby* maintained that the giving refreshments to out-voters was, under any circumstances, objectionable It might be difficult to get rid of the practice, but in principle it was decidedly wrong.

Viscount *Palmerston* said, as the clause now stood, it would be necessary to prove two things—firstly, that refreshments had been given; and, secondly, that it had been given with a corrupt motive. He thought it would be better to omit the word "corruptly," for to give at all for the purpose of influencing a voter was to give with a view to corruptly influencing. The word, he thought, only tended to weaken the clause.

The *Solicitor-General* said, the object was to put an end to the corrupt practices of keeping open the public-houses, and treating with corrupt motives. He apprehended they did not desire to prevent a Member of Parliament from asking his constituents to dinner, and yet the proposal of the noble Lord would have the effect of unseating any Member for so doing.

Clause agreed to.

Bill to be printed, and to be read a third time.

Adjourned at one o'clock.

HOUSE OF LORDS,

Tuesday, August 2, 1842.

Minutes.] Bills. *Public.*—$1^{a.}$ Bribery at Elections (No. 2).

$2^{a.}$ St. Asaph and Bangor Preferments; Slave Trade Suppression Act Suspension.

Committed.—Colonial Passengers; Limitation of Actions (Ireland); Parish Constables.

Reported.—Stamp Duties Assimilation; Court of Exchequer (England); Bonded Corn; Double Costs; Ordnance Services; Western Australia; Fisheries (Ireland).

$3^{a.}$ and passed:—Joint Stock Banking Companies; Insolvent Debtors; Assessed Taxes; Primrose Hill.

Petitions Presented. From Inhabitants of Holborn, and places adjacent, in favour of the proposed Improvements of the Metropolis.—From the Clergy of the Dioceses of Cork, Cloyne and Ross, and Dromore, for the Encouragement of Schools in connection with the Church Education Society (Ireland).—From the Clergy of Clonfert and Kilmacduagh, for the Restoration of the *quarta pars Ecclesiæ.*—From Parochial Schoolmasters (Scotland) for better Remuneration.—By Lord Kenyon, from Cherle and Harold's Cross, near Dublin, against any further Grant to Maynooth; and from Oldham, for Inquiry into the Instruction of Maynooth.—By the Marquess of Londonderry, from the Rev. Mr. Siely, praying for Inquiry into his Dismissal as Resident Chaplain at Lisbon.

INSOLVENT DEBTORS BILL.] Lord *Brougham*, in moving the third reading said, he would, with permission of their Lordships, take that opportunity of tendering to her Majesty's Ministers and their Lordships generally, the sincere and heartfelt thanks of a large but unfortunate class of their fellow-subjects for the passing of this bill, which amounted virtually to the abolition of imprisonment for debt, and which would secure to the creditor a fair distribution of the property of the debtor. The relief given was only to such debtors as were guilty of no fraud or crime, and who gave up their whole property to the creditors, to whom, in reality, it belonged. Imprisonment would henceforth only be inflicted as a punishment, or in order to compel a surrender. He had, fourteen years ago, given his support to this principle, and he hoped that it would meet with the same favour in the other House which it had received from their Lordships. It was a measure of the very first importance in every view.

Bill read a third time and passed.

TREATIES WITH PORTUGAL.] The Earl of *Aberdeen* moved the second reading of a bill for suspending the operation of an act of Parliament passed in the third year of her present Majesty, for the suppression of the slave-trade, so far as regarded Portuguese vessels. He proposed this bill in consequence of two treaties which had been entered into with the government of Portugal, one a treaty of commerce, and the other a treaty for the suppression of the slave-trade. Those treaties had been long in negotiation between the two countries, but for the last three years, in consequence of the unfortunate state of our communications with Portugal, all negotiations were suspended. As soon as he occupied the office which he had now the honour to hold he lost no time in overlooking and renewing those negotiations, and he was happy to say that both treaties were now brought to a satisfactory conclusion. By the treaty relative to the slave-trade, Portugal undertook to punish her own delinquent vessels, and her Majesty's Government, in consequence, intended to propose to Parliament a repeal of that act which rendered Portuguese vessels liable to capture by British cruisers, and to condemnation in the British Vice-Admiralty Courts. The ratifications of these treaties were to be exchanged at Lisbon, whither her Majesty's ratification had already been sent, and no doubt in a few days it would be exchanged for that of her Portuguese Majesty. But as it was possible that the ratifications might be exchanged after the conclusion of the present Session of Parliament, he proposed to give to her Majesty the power of suspending the Act referred to, by an Order in Council, so far as related to Portuguese vessels, that act still continuing in force so far as regarded vessels not possessing a national character. He did not anticipate any objection, as he thought there was no one who, on a treaty being concluded, would not vote for the repeal of the act itself, inasmuch as it was an act very little consistent with the friendly relations that subsisted between England and Portugal; indeed, it was rather an act of hostility, and one which might have led to an interminable war, had it been directed against any power of greater weight, and better able to cope with us.

Bill read a second time.

SLAVE TRADE.] Lord *Brougham*: Half a century has now elapsed since the Parliament of England, acting as a grand inquest, not for this country alone but for the world, presented to the indignation of mankind that execrable traffic which had for 300 years been the scourge of Africa and the disgrace of Christian Europe. To this righteous act, in which our counsels were guided by all the genius of the age, sustained by its virtue, and animated by its pious zeal, a long and criminal delay succeeded, for which Parliament was alone to blame. The enormity though denounced was protected; universally condemned, it continued to flourish, even to increase; till at length that sentence was recorded by the Legislature, which the public voice had pronounced, and the traffic was prohibited, though by laws of no stringent force. But, now that it was forbidden and declared illegal, the execution of more complete justice became comparatively easy: and I had the good fortune to obtain the unanimous assent of all the branches of the Legislature, as well as of the country at large, to the act which no longer treating it as a trade, visited it as a crime, and subjected those who perpetrated it to the punishment suffered by felons far less guilty than they. How then comes it to pass, that full thirty years after this great consummation, I still am standing here to complain of slave-trading, to point against it the indignation of Parliament, and to ask for its suppression, new laws, or laws declaring and enforcing the old? That now, instead of only complaining against foreign nations over whom we have no control, or of our authority not being employed with those over whom our influence extends, since they have only existed under our protection and at our pleasure, I am here to denounce those over whom our power is complete, subjects of the British Crown and the British law—yet engaged in a flagrant violation of their duty to both? I proceed at once to demonstrate the existence of this painful case, and, by plain facts, to show your Lordships that I am not occupied in preferring vague, unsubstantial charges, and bring no railing accusation; nor do I think it will be necessary to detain you long, while I show, that by the stimulus of British speculation, with the accession of British agents, through the employment of British capital, the foreign slave-traffic is in great part perpetrated and protected. I will go at once to those facts which lead, irremutably lead to the presumption whence the capital is drawn that the traffic requires. Your Lordships know—I say you know, because the papers presented by the Crown to Parliament and the correspondence of the Government with our foreign agents, which these papers contain, prove it—you may know that in Cuba (I confine myself to Cuba and Brasil, the great slave-trading countries), there has of late years been an extraordinary increase in the cultivation. Between 1829 and 1836, the produce more than doubled; the amount of sugar exported from the island having risen from 164 to 370 millions of pounds. From the same official sources, it appears, that between 1827 and 1831, the number of slaves had increased 32,000, which, added to the 91,000 required for supplying the annual loss of 8½ per cent., the excess of deaths over births, gives 123,000 imported in these four years, or above 30,000 yearly. Into the Havana, 142 vessels imported 52,000 slaves in the years 1837 and 1838; and the price having risen from 60*l.* to 85*l.*, two millions and a quarter sterling were thus required for that importation alone. But taking the lowest estimate that has ever been made of the whole Cuba importation, it cannot be calculated at less than 50,000 yearly, requiring the annual expenditure of 4,000,000*l.*; while the whole exports of the island did not amount to three during the same period; a clear proof that the capital which upheld this enormous expenditure on one of the charges of cultivation, could not come from the resources of the island itself. If from Cuba, we turn our eye towards the Brazils, we are met with the same state of things. There came to the neighbourhood of Rio in three years ending 1839, 244 vessels laden with 109,000 slaves; and taking the same low estimate for the whole importation, as I took for that of Cuba, the amount cannot be less than 70,000, which, at the cost of 80*l.* given in the very useful work of a meritorious and efficient public servant in my noble Friend's department (Lord Aberdeen). I mean Mr. Bandinel, makes the yearly expenditure upon the purchase of slaves five-and-a-half millions, or about seventeen millions in no longer a period than three years. It is needless to ask if Brazil and Cuba could furnish themselves those millions of money? The thing is inconceivable. The aid of foreign treasures must have been obtained; and in looking around to the quarters from whence the supplies must have come, we must needs adopt the painful conclusion, that in great part at least such an ample amount of capital as was required, must have belonged to the rich men of this country. But though warranted in adopting the general presumption to which these facts lead, I mean not to rest it upon that foundation. Particular facts and circumstances, equally show that there is no escaping from the general inference at which we have arrived by another route. But giving me credit for afterwards showing that British subjects are in fact mixed up with speculations in Brazil, for conducting which the purchase of slaves from time to time is required; let me ask your Lordships to consider for a moment, whether those who are interested in such concerns can possibly be ignorant of the means by which the negroes they buy are brought to the markets they frequent? In the first place they have the recorded declaration of an honourable man in the senate of Brazil, that the law abolishing the slave-trade, was notoriously a dead letter, having fallen entirely into disuse. They have in the next place a petition or memorial from the provincial assembly of Bahia to the senate, urging a repeal of the law, not that they gave themselves any trouble about the prohibition—with that they could easily deal, by wholly disregarding it; but the provision that all slaves imported after 1831, the date of the law, should be free—embarrassed the operations of the purchaser, and made it very inconvenient to hold recently imported negroes. Therefore the provincial assembly desires a repeal of this inconvenient enactment; and upon grounds of which it is not easy to find any parallel.

> "Brazil," say they, "accustomed for nearly three centuries to employ slaves, and to be supplied with them, as an annual provision from Africa, paid little attention to the encouragement of their progressive increase by reproduction, in the view that from this increase such annual supply might be dispensed with, and by such means, whilst the free-trade in slaves continued, the country should never want hands to keep up and feed the husbandry of the soil."

They then admit the existence of the contraband slave-trade, in defiance of the law, and of the treaty with England, and they urge its abrogation on the ground

> "That a transgression so immoral and deceitful, may be obviated, an evil which Providence alone, whom we supplicate, can in some measure lessen."

They urge the repeal with great earnestness, as the prosperity of the province depends on the culture of the sugar cane, which mainly constitutes its richness and opulence, and from which the State draws great revenues. (Class B. 1840, p. 294.) In other words, the crime must not be punished by law, but permitted, for fear the criminal should add to his guilt, the offence of violating the prohibition of the law, to prevent his iniquities, recourse must be had, not to penal enactments, but to prayers for his conversion. I find another provincial assembly, that of Minas Geraes, urging the same suit on the like grounds. After dwelling upon the dangers resulting to the country from the want of new negroes, the memorial adds:—

> "Above all as the worst of all these perils, the immorality which is the result of our citizens being accustomed to violate the laws under the very eyes of the administrators thereof."—*Dispatch*, 22nd of February, 1840, papers A. 294.

I verily believe, that the whole history of human effrontery presents no passage to match this—no second example of equal audacity. We have here a provincial Legislature coming forward on behalf of pirates—for ever since March, 1831, slave-trading is piracy by the law of Brazil—on behalf of pirates and their accomplices, the planters who profit by the piracy, purchasing its fruits; on behalf of these great criminals urging a repeal of the law which they openly avow is continually broken by them, and which they declare they will continue to set at nought, as long as it continues unrepealed; but demanding its repeal upon the ground, that while it remains, they being resolved to break it, are thus under the necessity of committing the additional immorality of breaking it under the eye of the judges sworn to enforce it. Such are the notorious facts, notorious to all who lived in Brazil; and proving to those engaged in promoting and profiting by the agriculture of that country, be they resident there or here at home, that their capital must be used to promote slave-trading in a country where the African trade continues to flourish in defiance of a merely nominal prohibition. But your Lordships must not suppose, that my charge against British capitalists of employing in the promotion of this guilty commerce the wealth bestowed by Providence as a blessing on their honest industry, rests upon mere general probability or natural inference. I have certain specific facts to which I can refer and which unfortunately leave no doubt upon the subject. On the 14th of July, 1838, (I am obliged to give the date that there may be no doubt of my authority,) the English commissioners at Rio wrote to Lord Palmerston—

> "The various undertakings going on in this country and every day multiplying, are for the most part the result of British enterprize."

But neither is it on so general a statement as this that the case rests, although coming from a quarter every way entitled to respectful attention; for though we can but seldom trace the course which such speculations take; though we can with difficulty follow and unravel the shifts, the subtle contrivances by which the law is evaded; there come to light now and then matters which leave no doubt as to the transactions that are going on, and show in what way the investment of capital takes place, and what are the practices resorted to for driving and for screening the traffic. A year or two ago, a vessel bearing Russian colours was seized. She was released on the ground of an objection taken to the jurisdiction, an unsound one as I conceive. Being released, however, she was sold here and her name was changed. She was purchased. Where? In the city. By whom? By a merchant, established for twenty years in the city, naturalised I believe in this country, and to all intents and purposes a British trader. She was purchased for whom? A Spaniard, a notorious slave trader. With what capital? I care not whether the purchase was made with the merchant's own capital, with the capital of the Spaniard for whom he might have acted as agent or with that of the English master who was on board the vessel. As soon as she was purchased, her name being changed from Russian to English, she was sent forth on her voyage of depredation. She first touched at Cadiz; and, from that circumstance, the voyage might be represented as a perfectly innocent one from the Thames to the Mediterranean. She was thence dispatched to the African coast, and the pretence no doubt is, that the former voyage from London was an entirely separate and unconnected transaction—that she suddenly changed her character on arriving in Spain, and became all at once a slaver, from having been an innocent ship. Such of your Lordships as can bring your minds to believe this tale, must be endowed with a strength of faith—with powers of belief —far exceeding the measure of my credulity. From Cadiz, then, she fared forth to Africa, and was seized on the slave coast, close to a notorious slave mart, having such a cargo, and such correspondence on board with slave-traders, and consigned to persons so notorious as slave-traders, that she was without difficulty condemned under the Consolidated Slave-trade Act for aiding and abetting in the traffic. The master on board, an English subject, was the pretended owner; there was, however, every reason to believe, that she belonged to a notorious slave-trader of Cuba, and had been purchased for him by his London agent. This happened early last year. Another instance occurred not much longer ago; a vessel, American built, but British owned, sailed from Liverpool, and the names of her owners, which I need not mention, are given in the papers on your Table. The articles signed by the seamen, were for a voyage to the Brazils, and back again to some port in the United Kingdom. But no sooner did she reach her port of destination, Bahia, than she was fitted out for the slave coast; the crew refused to go, as this was contrary to their articles, and seven left her, whose places were supplied by others embarked in Brazil. This is certified by the English vice-consul, under the consular seal. The charterer was a noted slave-trader; the consignees were slave-traders; the destination was Lagos, a notorious slaving port; and she was condemned for aiding in the slave-trade. But a little while before this seizure, Captain Smith of H. M. S. *Grecian*, captured a vessel under Brazilian colours, off the coast of Brazil, having seventy or eighty slaves on board, and bound with them to the plantation of a British subject, settled in Brazil. That they came from the African coast, I am not prepared to affirm; but I am ready to declare my opinion, which I have before stated in this place, that such a traffic is punishable as felony in a British subject, under the provision of the Consolidated Act, whether the slaves purchased be brought from the coast of Africa or from any other place—the exceptions in that act do not protect it—they only protect purchasing and carrying coastwise in the dominions of the Crown. Not to multiply instances, a case lately came before the Privy Council upon the claim of a Brazilian vessel, condemned for slave-trading. My noble Friend, the Lord President, may recollect it; he sat with us upon the appeal. The ship had been sent out upon a slaving voyage; and the consignee of the cargo, was a very well known slave-trader; but among other evidence which he produced, to avert the condemnation, was the certificate of twenty or thirty mercantile houses established in Brazil, all testifying to his high character for respectability and honour. Of these houses about one-half were British firms. These men scrupled not to join in bearing this testimony to the character of a person whose slave-trading must be as well known upon the 'Change of Rio, as the name he is called by, slave-trading having been by the law of Brazil, treated as piracy for the last ten years and upwards. Of the British houses, that so certified, I will say nothing, however, except that three of them are represented to me by persons upon whose information I think reliance may be placed, as having lost together 12,000*l.* by some late condemnations of vessels for slave-trading; and I know that the despatch of the commissioners to the Secretary of State, dated 14th July, 1838, to which I have already referred, distinctly states,—

> "British capital to have suffered severely in this city (Rio) from recent captures."

But if our merchants settled in Brazil thus vouch for the character of Brazilian slave-traders, see how mutual the voucher is; how freely the Brazilian slave-trader bears his testimony reciprocally to the character of the British merchant! In a journal believed to be under the patronage, and known to speak the sentiments of a celebrated Brazilian minister, connected with the slave-trading party, I find this panegyric upon our countrymen:—

> "We declare, that we have a great respect for the English merchants of Rio, not only for their conduct in our internal concerns, but principally for the way in which they contribute to the ransom of captive blacks in Africa, whether by ordering goods fit to be employed in this work of humanity—whether by lending their money to the adventurer, or whether, as is said, by insuring vessels destined for the coast."

"We greatly respect the English merchants for their conduct in our internal concerns!" Whether the part of their conduct thus so greatly respected is their bearing judicial testimony to the honour of pirates, or only their importing from seventy to eighty negro slaves, in breach of the laws of England, I am not prepared to say. But the principal ground of respect is their conduct towards Africa, "the way in which they there contribute to ransom the captive blacks by ordering goods fit for being employed in this work of humanity." Whether the goods so humanely used are the coast guns, as they used to be called, which being bought for twelve or fifteen pence, burst in the hands of the negroes, the second or third time they are fired, or whether the allusion may be to the shackles, the manacles, the iron weights that form part of the cargo in this voyage of humanity, or whether the whips and goads invested are more darkly shadowed out under the tender phrases, I will not take upon me to decide. But on the next topic of praise there can be little doubt; "the lending their money to the adventurer," the humane adventurer, and "insuring as is said, (I make no doubt most truly said), the vessels destined for the slave coast." No doubt the insuring such vessels is naturally a matter of eulogy to the affectionate lovers of the unhappy African race, eagerly celebrating the praise of those engaged in their ransom. Such vessels for instance, as were lately seized by Captain Denman, who, shedding a new lustre on the great name he bears, and equalling the exertions of the most gallant and zealous of his brethren in arms on that station, if, indeed, he does not surpass them all, has been waging a constant, an implacable, an interminable, and, I rejoice to add, a successful warfare with the miscreant felons who ravage the coast, pollute the sea, and disgrace the name of sailor and of trader. The praise is bestowed on the humane British insurer of such vessels as he lately took—in one of which, horrid to relate, of forty-seven tons burden, 370 wretched Africans were found concealed. Think of that! If you can bring yourselves to the dreadful contemplation, think of that! Eight persons to a ton, being five times as many as were permitted by our slave-carrying acts at a time when, if we did not encourage, we at least protected the traffic! Exaggeration is always to be condemned; both as unfair, and therefore wrong, it is to be condemned; and as utterly inexpedient, it is to be rejected. I have often complained of it on both grounds before your Lordships, and have reminded those who foolishly, as well as blameably, had recourse to such a practice, that it counteracts their own intentions, like some optic glass, which in unskilful hands diminishes objects instead of magnifying them. But here it would be as impossible, as it is unjust and as it is foolish to exaggerate; for I defy any man's fancy to go beyond the fact, or anything to be conceived more horrible than the bare statement of 370 wretched beings thrust into a vessel no larger than a Thames barge—there to endure what would be unbearable torment in a passage up or down the river, that washes these walls—to endure it on the voyage across the Atlantic ocean. Nor let us exaggerate the blame of those who by their speculations give the impulse to such cruel deeds. I do not mean to hold them answerable for things of which they may be ignorant, as they have never themselves witnessed those scenes of horror. But they are most clearly accessories before the fact, in so far as their capital drives the trade, or their demand for its produce causes it to be driven; and they are sharers in the guilty profits of the transaction so far as they carry on their concerns of planting or of mining by purchasing those victims of the slave-trader's avarice, whom he tears from Africa that he may sell to them. Many persons of otherwise excellent character, nay, even of dispositions generally humane, are, some without reflection, others in ignorance of the details, embarked on such speculations. With these I would only remonstrate; I would beseech them in all kindness of spirit, to reflect more fully, to examine more closely the consequences of thus employing their capital in foreign slave colonies. If their eyes are opened to the inevitable consequences; if they are aroused to a distinct view of the facts; surely they will awaken to a sense of what their duty demands of them, unless they would, after notice, make themselves wilful partakers of the crime. Let us take the case of mining companies,—the affairs of these are chiefly in the hands of British shareholders; the seat of some companies is in the city of London itself. At a late meeting of one company a call upon the shares being proposed, the ground of the demand was openly declared to be the expenses incurred by the recent purchases of slaves required to keep up the stock for working the mine. 5,000*l.* was stated to be the sum thus expended in one year, and seventy-three negroes were alleged to have been bought. Many holders of those shares are without doubt, honourable and excellent persons, who have never considered the subject as it deserves. It is with them I make my friendly and respectful remonstrance, hoping—I had well nigh said expecting—that they will upon inquiry, feel the necessity of abandoning such speculations, and acting at once upon that feeling, invest otherwise, the wealth with which Providence has blessed them for far worthier ends. Of their agents in Brazil, I cannot speak in any such measured terms—they must know that they are directly abetting the traffic. If they say that the slaves they purchase for their employers are creoles and not imported; if they contend that it is lawful to buy slaves in a foreign country where slavery is still suffered by the law; passing over the objections to this position which I have ever urged upon the most plain construction of our abolition acts, which make such dealing felony, every where except in a British settlement, I say that, granting the law to be as they erroneously read it, their statement of fact cannot avail to screen them. It is quite inconceivable that they should be ignorant of the slaves whom they purchase, having been lately, nay, but the day before, landed from the hold of the slave-ship. No person in Brazil—no person who has been there a month, can pretend ignorance of a negro being newly imported, the instant he sees him. But if the mere sight should not prove decisive, could any man affect to doubt, after hearing the unhappy creature speak? Nay, suppose even that test to fail, does not the price paid, at once convict the purchaser? When 65*l.* or 70*l.* only is demanded for the new negro, and 120*l.* or 130*l.* is the price of a Creole, of a seasoned slave, do you require more evidence to prove the guilty knowledge of the buyer, than his paying only half-price? Let me see the man who has bought a jewel at half its value, and I shall have my doubts of his honesty, even if the seller was not a suspicious character. But show me the man who has paid half-price to a suspected person, and I shall have no doubt at all, that the one is a receiver, and the other a thief. This is not more clear than that the man who pays for a slave half the sum which a seasoned negro costs, knows that he is buying a slave newly brought from Africa. In fact the market cannot be supplied regularly with Creoles—with healthy and serviceable Creoles hardly at all. Those brought to sale are either maimed, or afflicted with some bodily illness, or some mental incapacity, or of habits dissolute and rebellious. Whoever would buy a large number cannot either take slaves of that description, or trust to the chances of some unforeseen disaster, occasioning a sale, and the purchaser not keeping the slave, though it is difficult to see how any one can carry on the plantation without the slaves. Those who conduct the mines must, therefore, know, that it is the African market from whence they are supplied with new hands. Some of those agents, and bearing, I grieve to say, her Majesty's commission, half-pay officers in the army and the navy, have been heard to avow openly, that they purchased newly imported slaves in preference, doubtless because they cost less. But it required no such avowal to convince any one who reflected on the nature of the commerce, that such must be the case. The course of the traffic is well known. A vessel arrives from Africa, and not venturing to land her cargo in Rio, from fear of the British commissioners rather than apprehension that the Brazil authorities will do their duty, she hovers off the bar, below the town, and conveys the negroes to some convenient landing place, from whence they are conducted to a barracoon, or slave-barrack, in the woods, and at only a few miles distance from the city. I asked of my informants how it happened that as many as 700 or 800, the number frequently landed from one slaver, could be conveyed through the country, without danger of their escaping or rising to resist their keepers. Alas, I little knew the condition in which these hapless creatures reached the new world! I was told that if I had ever witnessed the state in which they were carried on shore, emaciated, exhausted, and crippled, barely capable of crawling along, I should have seen that the least movement towards flight, or the raising a hand in resistance, was an absolute, a physical impossibility. Thus passively taken to the barracoon, they are there seen and purchased by the mine agent, or the planters' agent. Can he muster up assurance enough to deny that he knows he is dealing for negroes newly landed? Nay, if he only repairs to the city, and is there waited upon by a slave captain, or his super-cargo, can he pretend to deny that he is aware of the article he is buying—yea, just as certainly as if he had seen the poor negro landed, whom he is about to drive up the country to delve in the mine, or hoe in the cane-piece? Such men are not to be, in any respect whatever, distinguished from slave-traders. In the African slave-trade they are directly concerned—slave traders in the ordinary acceptation of the term. A broad distinction is to be taken between their guilt and that of the capitalist who employs and hires them; he does not actually see the criminal traffic; he does not go down to the slave-ship, with her freight of misery and of crime—her lading of wretches, and her felon crew. Nevertheless, it is impossible to hold him blameless when his hired agent is covered with guilt; the agent whom he sets on as the accomplice of piracy, by whose acts he profits, the result of whose wrong doing all goes to enrich him. If he be not an accessary to the felony, his money procures it—his wealth is increased by it—without his aid it could not be perpetrated. Whoever they be that instigate such iniquities, by their speculation, and support them with their money, let them be well assured that their capital is the very spring which sets in motion the whole machinery of crime, as certainly as the main spring of that clock moves the hand which tells me how long, how much longer than was necessary, I have been detaining you to dwell over these painful scenes. But men, especially when engaged in evil courses, are prone to discover minute differences; and self-love, the great source of all blindness, is itself very quick-sighted to descry nice distinctions, that may screen us from the stern judge whom Providence has appointed within the breast. The capitalists to whom I have alluded, are apt to say, possibly to think, they are little to blame, because they see nothing of all the suffering they occasion, and all the vice by which they profit; and many who would shrink from doing the deed with their own hands, or even shudder to view it with their own eyes, have but little qualm that others should do it for them, and out of sight. I remember an eastern tale in which some tyrant is represented as minded to put two of his family to death; but even his relentless nature flew back from witnessing the murder he ordered to be committed, according to the accustomed solecism of arbitrary power, as Lord Bacon calls it, desiring the end but disliking the means. The officer whom he commissioned to do the deed, shared in the same scruples; and thinking he could divide the guilt by dividing the instrumentality, employed one ignorant of the criminal purpose. This unsuspected agent was taken to a cave where a rope that entered the ground was made fast to an iron ring; and he was bid to sever it with a hatchet; the rope disappeared with great force on the blow being struck; and being carried to the adjoining palace he saw two persons crushed to death by the descent of a marble canopy under which they had been sleeping. His base conductor and his royal employer, would have recoiled from the sight of the slaughter which they had no scruple thus to perpetrate; and of which each was as guilty as if he had dared to plunge his dagger into the victims and been sprinkled with their blood. But it is not more certain that the blow of the hatchet which severed the rope, dealt destruction to those who reposed under the block which it had suspended, than it is certain that the capital of British speculators invested in the mines of Brazil, and the plantations of Cuba, kindles the wars, and stimulates the murders, and instigates the tortures, and sheds the desolation with which the slave-traffic has for ages ravaged the regions of Africa, to glut the cruel avarice of nations, the most ostentatious devotees to the religion of charity and peace. I hear it indeed whispered that these are not times for interfering with the employment of capital; that in the present embarrassment under which our commerce is labouring, we should be slow to stop up any channel in which capital may find employment. I can listen to no such argument; I protest utterly against its application to this question; and your Lordships, above all men, can give it no quarter! What course have you been holding, and only yesterday holding? Regardless of the plea that trade was labouring, you have increased its burden, where the plain interests of decorum and of morals demanded an addition to the load. But having overruled that plea when indecency was counterpleaded, you must not show yourselves more patient of crime. Sworn enemies to practices of an immoral tendency, will you be the protectors of actual guilt? Unscrupulous in dealing with private rights, when they warred with purity of conduct, can you harbour a preposterous delicacy towards piracy and murder, to screen from justice the gains of the felon or his accomplice? The more gloomy our prospects may be under a temporary visitation, the closer we should cling to our principles, that holding fast our integrity we may earn the blessing of brighter fortunes. Let us wash out the most vile pollution that defiles our honest trade, and tarnishes their name who drive it. Cease to protect the slave-monger, by whatever name he may call himself, or his accomplice, under what mask soever he may lurk. Zealous in extirpating vice, and immorality, and intemperance at home, do not patronise and propagate them abroad—any where abroad. Neither in the east, neither in the west, neither towards the rising sun nor towards his going down, wage execrable wars with human happiness and virtue, for the lucre of gain,—wars against millions, feeble as they are unoffending,—wars such as those of the most sordid prince who ever filled that throne, and which his immortal historian, likened to some base metal, glittering like steel, but really of brass,—monstrous wars, redeemed by no one virtue, nor graced by any triumph, save the triumph over public principle and national honour, in which victory shorn of its glories leads on peace stripped of its wonted blessings, nay, clothed in a double curse—in them that give it, whom it stains with the disgrace of guilty profits—in them that receive it, whom it corrupts with intemperance and cripples with disease! But a curse yet more heavy lies on the gains of African slavery and war,—whether they swell the stores of the trader or replenish the coffers of the State—Surely, surely this country never can forget the maxim of her greatest poets, and none the least of her patriots, that it is her high prerogative to teach the nations how to live. And not her policy alone, but her industry must be kept pure, and above forming a partnership with violence and slavery. It is with peace, and with freedom that the commerce of England naturally maintains her holy alliance. She is the offspring of that liberty—but the support of her parent—by a charity above all Greek or Roman charities; the nurse of her parent—and you, my Lords, calling down upon her and yourselves the blessings of heaven by pursuing the course which I, in all humility, but with all earnestness urge you to take, will add to your own fame an honour of which you stand little in need—but afford me, who want it much, the only consolation I can ever now enjoy, by helping me to discharge a sacred public duty.

"I move you to resolve that this House will, with all practicable expedition take such measures as may be most effectual for preventing the employment of British capital in promoting or maintaintng the slave-trade."

The Duke of *Wellington* said, that after the attention which he was sure their Lordships had paid to the admirable speech of his noble and learned Friend, he was convinced they must all be anxious to have some means brought under their consideration which should be effectual in putting an end to those evils which his noble and learned Friend had so eloquently represented as existing, and of giving effect to the resolution which he had just submitted to the House. He certainly felt that, if the House adopted this motion, it would be absolutely necessary for the Government to bring in a measure founded upon it, in order, if possible, to prevent the continuance of the evils of the slave-trade. His noble and learned Friend had mentioned that some persons bearing her Majesty's commission were involved in the transactions of which he had spoken—that was a part of the evil for which he could have no difficulty in finding a remedy, but after having attended most patiently and anxiously to the speech which they had just heard, he could not discover in it any thing like a road to measures which would have the effect of putting an end to the evils which it described. What he would propose would be this—that his noble and learned Friend should himself bring forward a measure which would have the effect of putting an end to the perpetration of these crimes, and which would relieve the country from the dread of its continuance. He now submitted to his noble and learned Friend, and to their Lordships, an engagement on the part of her Majesty's Government, that they would take his measure into their consideration at an early period of the next Session of Parliament, with the view of giving it their support and assistance, in order to render it a perfect measure of legislation, and suited to attain the end sought to be accomplished.

Lord *Brougham* said, that if he were asked what would probably be the measure most calculated to effect the end he had in view, he should answer for the present—an act declaratory of the true intent of the act of George 4th. Doubts had been raised in different countries respecting the construction to be put upon the terms of that act. There was no doubt as to the real intentions of the framers of the measure, which was drawn up by his most distinguished and excellent Friend Dr. Lushington, who had taken so deep an interest in the suppression of the slave-trade. He, therefore, considered, that the most effectual course would be to adopt a declaratory act, solving all those doubts, and declaring the true intent of the enactment in question. In case of the adoption of such an act, it would be for the wisdom of Parliament to consider how long a time should be granted to persons implicated, to remove themselves from the position in which the law would then place them. But if such a measure should be carried, he trusted that what had passed in the House that night would be taken more as a warning than as an accusation, and he trusted that after that night no new transactions in connexion with the slave-trade—no new speculations would receive any countenance or protection from the British public. He should consent to withdraw his motion on the understanding that the Government were pledged to a measure upon the subject.

Lord *Wharncliffe*: Let us understand to what we are said to be pledged.

Lord *Brougham* said, that he understood Government to be pledged to take the subject of capital embarked in the slave-trade into immediate consideration, with a view to its prevention.

Lord *Wharncliffe* understood the pledge to be an engagement to support a measure for the purpose to be brought forward by the noble Lord.

The Duke of *Wellington* explained that he meant that Government should take into consideration, with a view to giving it their cordial support, both in this and the other House, a measure which the noble and learned Lord should introduce.

The Earl of *Ripon* wished the noble and learned Lord to undertake the framing of the measure in question, as his great knowledge of the subject, and the part he had taken in the introduction of similar bills, eminently qualified him for the task. The difficulty was to frame an act which should reach the parties; and as the transactions took place in another country, from which they could not easily command evidence, it would require great experience in the tortuosities of the subject to frame an efficient measure, and he trusted that his noble and learned Friend would apply his mind speedily to the subject.

Motion withdrawn.

LIMITATIONS OF ACTIONS (IRELAND).] The *Lord Chancellor*, in moving, that the Limitation of Actions' (Ireland) Bill be committed, took that opportunity of stating, that he had prepared a clause guarding the rights of persons who were not in a position at present to enforce them. He thought it, however, better to postpone introducing the clause until the third reading of the bill.

The Earl of *Glengall* wished to know the nature of the clause, and also when the bill was to come into operation.

The *Lord Chancellor:* The nature of the clause was, that those who at present had not conformed to the Protestant religion, should have their rights reserved to them. He proposed, that the bill should come into operation in July, 1844.

The Archbishop of *Armagh* objected to so long a period being allowed to elapse between the passing of the bill and the time of its coming into operation. When the English act passed, it came into operation on the 31st December following, and he saw no reason why any difference should be made in the present bill. It was his (the Archbishop's) intention, if the noble and learned Lord adhered to the period specified by him, to move, that the bill come into operation at the close of December, 1842.

Lord *Monteagle* said, that in ordinary cases, six months would be ample time to give parties an opportunity of commencing actions. But, in the present instance, he thought that period by no means sufficient. The case that might arise was this. Suppose a living now filled, no steps could be taken by the party claiming the right to presentation until the death of the present incumbent. It would, in his opinion, be very unjust, that the party should be debarred from asserting his rights whenever an opportnnity for his doing so arose. Let the shortest possible period be given after the appointment really occurred; but he (Lord Monteagle) considered it very hard indeed, that the party claiming the right should be debarred by any interval of time, if in that interval no opportunity had arisen for contesting his claims.

The Bishop of *London:* What the noble Baron has urged is as applicable to one, two, or three years, as to any other period. In fact, his suggestion, if acted upon, would vitiate the principle of the bill altogether. A period of sixty years and three presentations he thought sufficient protection to those claiming the right of presentation.

The *Lord Chancellor:* The bill was in that respect, precisely the same as the English bill. Now, with respect to the memorial signed by the twenty-six Peers, there was not one of them who had not been for sixty years in a position to enforce his rights.

Lord *Campbell* said, that the bill, as it stood, afforded ample protection. No man could reasonably complain, when sixty years' adverse possession, and three incumbencies, were necessary to bar an action.

Earl *Glengall* said, the noble and learned Lord appeared ready and anxious to strangle those who claimed the rights of presentation with the utmost rapidity. He regretted that a bill of this nature should be forced on at so late a period of the Session. In fact, all the opponents of the measure, except in his solitary instance, had left town. It was generally believed that this bill had been postponed *sine die,* and so, in fact, it was on their Lordships' papers. The Irish Society had also left, and he was there as their single representative and he much feared they had left their case in very incompetent hands. He must insist upon it, that there was considerable difference between the English case and that of Ireland. The Irish Roman Catholic families had been deprived of their right to the presentation of livings, first in the time of King Charles, and again in the time of Queen Anne. The Crown and the Church received the livings in trust, until the Roman Catholics should conform to the Protestant religion, and on behalf of those who had conformed he stood there to support their just rights. It had been insinuated that those conformed Roman Catholics had not done their duty; but he maintained that it was the Crown and the Church that had not done their duty. Those confiscations took place after the great rebellion of 1641, and again after the battle of the Boyne. The treaty of Limerick, however, protected the rights of the Roman Catholics. The second article of that treaty states that all the Roman Catholics who adhered to King James—

> "That they and every of them shall hold, possess, and enjoy all and every their estates of freehold and inheritance, and all the rights, titles, and interests, privileges and immunities which they and every or any of them held, enjoyed, or were rightfully and lawfully entitled to. And all and every the said persons shall have, hold, or enjoy all their goods and chattels, real or personal, to them or any of

them belonging and remaining, either in their own hands or the hands of any persons whatsoever in trust for, or for the use of, them or any of them."

Now that was exactly the state in which the heirs of those parties were at present, and are they all to be deprived of their rights? Have you not (said the noble Earl)—have you not taken enough from us already? Will not three-fourths of our estates satisfy you? Are the adventurers of Cromwell and King William the 3rd not yet satiated with the plunder of the Roman Catholics of Ireland, but that you must now, in 1842, perpetuate a portion of the penal laws? The noble and learned Lord opposite said we, who signed the memorial, had all of us for sixty years been in a position to try our rights. I, for one, have not had that period, and I know others whose families have not been sixty years conformed to the Protestant religion. He appealed, therefore, to the justice of the House not to debar the heirs of those who, by conforming, had regained rights forfeited at the periods to which he had alluded. It was to the trusteeship part of the business he, however, principally objected. The Crown and the Church had not fulfilled their trust. They had seized upon the livings of the Roman Catholic gentry, and by this bill they seek to maintain a legal right to them. Whenever the Crown and the Church present by lapse, they admit that there is a rightful owner, and that owner was to be found in the Roman Catholic families who had conformed. They had forgotten that they were but trustees, and had presented to their advowsons *jure suo*. The effect of this bill, if passed, would be to force parties to present to the livings forthwith; but if their Lordships knew the number of the livings claimed, they would see how utterly impossible it would be to do so. He was almost afraid to name the number, but he thought he should be under the mark when he stated the number to be 500; and it was no easy matter to get 500 clergymen to name to those livings. This was a case which should not be taken up hastily in this manner, and at the end of the Session. It was one which required the greatest consideration, and the calmest attention of Parliament. When the question was last brought before the House, and at a time when the noble and learned Lord (Lord Brougham) was on the Woolsack, ample time was given to the parties interested. In the course of the recent discussion the case of the Irish Society had been strangely mixed up with that of the Roman Catholic families, but they had nothing whatever to do with each other. But then it was said that because a bill, like the present, had been passed for England, its provisions must, of course, be extended to Ireland. He must loudly protest against such a principle being acted upon. It was too bad, because wrong had been done in England that that wrong was also to be inflicted on Ireland. He (Lord Glengall) was a sincere friend of the Church, and was the last man who would be inclined to say anything against it. If he were its enemy he could support his arguments in a very different manner. But he repeated he was the staunch friend of the establishment, and would do nothing to disparage either the Church or the Crown. It was well known that he always stood up for the Church, and abused his old friends the Roman Catholics as lustily as any one. There was no sacrifice in reason he was not ready and willing to make in support of the establishment, but the present bill he thought was going too far. The noble Earl concluded by expressing a hope that the rights of persons situated as he was would be guarded as well as those who had not yet conformed to the Protestant religion.

The Earl of *Wicklow* trusted that the Government would press the bill without any further delay. The bill at present on their Lordships' Table was the same as that introduced nine years ago. The amendment which had been made in the bill at that time was made with a view to give the parties interested time to take steps for the recovery of their rights. If, therefore his noble Friend had allowed the nine years to pass without instituting proceedings, the fault was his, not their Lordships. The evils of the system were accumulating, and he firmly relied that the House would not consent to perpetuate them. He had before stated, he regretted that the provisions of the bill for England had not been extended to Ireland. It was now, however, necessary, that this tardy act of justice should be done to the Church. He trusted his noble and learned Friend would not adhere to his statement relative to the period at which this bill was to come into operation. In England a delay of only six months was given, and he thought the same period with respect to Ireland would be amply sufficient. His noble Friend (Earl Glengall) said that persons must be blind who did not see the difference between England and Ireland in respect of this bill. He was one of those blind persons, for he confessed he could not see the difference. The two classes who required protection under the bill were those who had not as yet conformed, and those who had already done so, but not a sufficient length of time to enable them to contest their claims. Those two ought to be protected, and when that was done, he hoped the bill would pass without delay.

The Archbishop of *Armagh*: When this bill was read a second time, a noble Marquess who sat at the opposite side, stated, as the ground on which he opposed this measure, that during the incapacity of the Roman Catholic patrons of advowsons in Ireland the Crown had neglected the trust reposed in it, and had either usurped those advowsons for itself, or allowed the bishops to usurp them, and that the bill now before the committee would prevent their true patrons from recovering them. He conceived that this broad assertion made by the noble Marquess respecting the usurpation of advowsons, was not borne out by the facts of the case; and I wrote to a professional gentleman in Dublin—one of the most eminent civilians of the day—who has been engaged in almost every suit that has been instituted respecting advowsons for several years past, and I have received from him a letter, part of which I would take the liberty of reading to the House. The writer of it is Joseph Radcliffe, Esq., L.L.D.:—

> "As to Lord Clanricarde's assertion of general encroachments of bishops, they are not warranted by the facts of any case brought to trial within my recollection. But if his Lordship will specify the particular cases to which he has referred, I can make inquiries to ascertain the correctness of the charge in such instances. I presume his Lordship knows nothing of such matters himself, and only derives his information from others. So far as my experience goes, I think the interests of the Crown in regard to its ecclesiastical patronage have been for years and are particularly well attended to. If encroachments have been made, I think such have been more on than by bishops. And though I do not wish to state particular instances from memory, I am certain I could bring forward one case at least in which the Crown has converted at best a very doubtful title, into what may be called a good one by possession, in consequence of the unwillingness of the bishop to embark in expensive litigation.
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> "The rule of law, that on its appearing to the court in a trial of *quare impedit* between A. and B., that the title is in the Crown, judgment should be given for the Crown, though no party to the action, throws much difficulty in the way of encroachments.
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> "Your Grace is probably aware, that in former times, and particularly after the restoration of King Charles the 2nd, patents were often obtained from the Crown granting advowsons, and other properties to which the Crown had no manner of title. Length of time has terminated all disputes respecting other species of property, but there being no statute of limitation as to advowsons, difficulties still arise from such grants.
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> "Bishops cannot in general prove original title save by collations, the records whereof are in many dioceses imperfect; and in some cases lay patrons, owing to the destruction of public records, and their own muniments of title, are obliged to rely on presentations in support of their title.
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> "The bill in question will, in my judgment, benefit all parties, particularly lay patrons, who, if desirous to sell their advowsons, can seldom make out a good title without incurring great expense. Besides, if a purchaser were tolerably certain of a good title, the rate of purchase of advowsons (at present low) should increase."

I conceive, my Lords, that this letter supplies a satisfactory answer to the assertion of the noble Marquess respecting the usurpation by bishops of the advowsons which Roman Catholic patrons were deprived of by the acts of Charles the 2nd and Queen Anne; for it appears that in the many *quare impedit* actions which have been brought within the memory of this distinguished civilian, none of them have been grounded on any such plea, relative to usurpation of advowsons on the part of the Crown. My Lords, there is a remedy within the reach of those noblemen who have memoriated the Lord Chancellor against this bill, and who ask for some cheap and expeditious means, should be afforded them of recovering their rights. In the "Ecclesiastical Law Cases," will be found an account of the manner in which Lord Dunsany, whose ancestors were Roman Catholics, recovered the advowsons which belonged to them. The case is briefly this:—

> "*The petition of right of Randal, Lord Baron of Dunsany, 6th February*, 1816:—
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> "Upon the day and year above-mentioned, the King committed in charge to Thomas Lord Manners, Lord Chancellor of Ireland, a

certain petition of right, signed with the King's hand, and by him thus inscribed. '*Let right be done aux parties*,'' to be executed in form of law, the tenor of which is as follows:—That Randal Lord Dunsany, who had been an Irish Papist, died on the 16th of July, 1736, leaving Edward Plunket, his eldest son, and heir-at-law—that by virtue of the statute of the 17th of Charles the Second, and of the conformity of the said Edward Lord Dunsany, the advowsons of the churches of Kentstown, Oldcastle, and Killbride, did of right re-vest in the said Edward Lord Dunsany; but that King George 2nd, upon the next vacancies, continued to present to the said churches, by colour of the statute aforesaid—that Edward Lord Dunsany died on the 26th of June, 1781, seized of the advowsons aforesaid, leaving petitioner his eldest son and heir-at-law, who has always during his life been bred up and educated in the Protestant religion, by means whereof petitioner became seized of, and was, and is entitled to, the advowsons of the aforesaid churches—and that nevertheless King George 3rd did continue to present to them upon the next vacancies, and the incumbents so presented are still in the enjoyment of the respective churches; wherefore petitioner prayed his Majesty might take his case into consideration, and cause right to be done him in the premises.

"Upon the petition being read, the Lord Chancellor appointed certain persons to make diligent inquiry of the truth of the contents of said petition, and their inquest to return into the Court of Chancery under their hands and seals without delay. The commissioners accordingly reported that the several allegations contained in such petition were true; whereupon the aforesaid Randall, Lord Dunsany, now suppliant, came into court on the 1st of February, 1816, and prayed judgment, that he to the possession of the advowsons of these churches might be admitted and restored; whereupon the King's attorney-general saith, that inasmuch as all the matters contained in said petition are true, he does not but acknowledge and confess that the right of advowson of the churches aforesaid belongs to the said suppliant Randall, Lord Dunsany and ought, according to his petition in this behalf, to him be restored; and accordingly it was adjudged by the said Lord Chancellor of Ireland, that the hands of the said Lord the King should from the possession of the aforesaid advowsons be removed, and the petitioner to the same restored, saving, nevertheless, the right of all persons."

With reference to those noble Lords who signed a memorial to the Lord Chancellor against the passing of this bill, I must beg leave to state, that there is not one of them who was not born a Protestant, as were also their fathers, and their grandfathers—[Lord *Glengall*: "No."]—with the exception of the noble Earl's father; and he was a contemporary of mine at the University of Oxford, and of course was then a Protestant, and that is fifty years ago; and the noble Earl himself has been in possession of his property for the last eighteen years. So that ample time has been allowed to all those noblemen to discover the claims, if any, of their Roman Catholic ancestors, and to recover them by means of the proper tribunals. It is easy for noble Lords who have never themselves suffered from the evils which this bill is intended to remedy, to speak of those evils as if they were not of any great consequence. But those who, like myself, have been sufferers from the want of a limitation to actions respecting property, know to our cost how grievous the state of things has been in Ireland in this respect. My Lords, it has been my misfortune to have had to defend my property against a claim to it, which was set up by the Crown. A verdict was given in my favour at the county assizes where the case was tried. It was brought before the Court of Exchequer, and a decision given in my favour there. It was re-heard, and a third decision given in my favour. It was brought before the twelve judges, and they unanimously decided for me. I have never complained of this treatment, or paraded it as a grievance before the public. But I must say, that if I had not possessed an official income in addition to my paternal property—(it was my paternal estate which was assailed in this case)—the expense of successfully defending it would have been ruinous to me. And if the office of the Woods and Forests were to disclose what has been the outlay on the part of the Crown in these suits against me, I should think the expenditure on their side would be found to have been nearer 10,000*l.* than half that sum. My Lords, I have also lately had an escape, and a hair-breadth escape, of another contest with the Crown respecting the right of an advowson. I refer to the living of Armagh, to which my predecessors have presented for more than a hundred years past. On occasion of a vacancy of that parish, some years ago, I applied to the noble Duke (the Duke of Wellington) who was then Prime Minister, requesting him to give the deanery of Armagh to the person whom I was about to appoint to the rectory, as it was desirable that the two offices should not be separated (for the deanery in itself is but of little value), and as I was then about to commence extensive improvements in the cathedral, which made it desirable that the dean should be of one mind with myself in carrying on such an undertaking; I submitted at the same time the proofs which I possessed of my right to this advowson. The noble Duke complied with my request, and the same person was nominated to the rectory and the deanery. In the month of August last, the situations again became vacant, and I wrote, as soon as I heard of it, to acquaint Lord Fortescue with the event, and to request that he would, as had been done before, present the deanery to the person whom I was about to nominate to the rectory. If it was wished, there was a living of about equal value with the deanery which could have been placed at the disposal of Government in lieu of it. I got a very civil letter from Lord Fortescue, saying that he had already given away the deanery. The Ministry, it so happened, were just then leaving office, and there was no time to spare scarcely sufficient time, indeed, to make good the presentation of the deanery to their friend. Lord Fortescue, however, said in his letter, that he had only nominated his friend to the deanery, although there seemed to be some doubt as to whether the rectory was not also in the gift of the Crown. The person whom I appointed to the living was the Regius Professor of Divinity in the university, Dr. Elrington, the ablest and fittest person I could find for the situation, which is one of considerable importance, as the parish of Armagh is very populous, and contains many public institutions. To my surprise, Dr. Elrington informed me that the Government were going to dispute my right to the advowson. I thought that this was impossible; however, I soon learned that the intelligence was derived from the Attorney-general himself, and was tootru e. I wrote to Lord De Grey, to mention the facts which I have already stated to your Lordships, and I received from his Excellency a very civil letter, in which, nevertheless, he stated that his first duty was to defend the rights of the Crown, as to which he must be guided by the law officers of the Crown. I then proposed to submit my case to the law officers of the Crown, if they would allow me to see their case; for if any facts with which I was unacquainted had come to their knowledge, and gave a different complexion to he business, I was ready to submit; but I felt assured that my case was irresistible. After five or six weeks I went to Dublin, to pay my respects to Lord De Grey on his arrival, and I met at the levee the Attorney-general, when he politely offered to acquiesce in my proposal, that we should mutually see each other's cases before we proceeded to action. This was done; and I never saw a more defective case than that which had been drawn up and submitted for the opinion of the law officers of the Crown. It omitted some most important words in transcribing a document which it quoted, and it omitted all mention of the fact that the patronage of this advowson had been already recognised by the House of Lords, as belonging to the archbishops, an appeal having been decided on by that House in the year 1730. When the Attorney-general and other law officers found, from my case, that the House of Lords had already admitted my right to this advowson, they at once abandoned the suit. The Attorney-general, with my permission, showed my case to Dean Hudson's counsel, leaving it open for him, if he pleased, to proceed with the suit, although the Government would not attempt so hopeless an enterprise. Mr. Blackburne, however, has been attacked in some of the newspapers which are friendly to the late administration, for having given up this action; and hints have been thrown out, that if there were a change of Ministry, and that Mr. Hudson's friends returned to power, I might expect to have my right to this advowson called in question by the Crown, and a suit commenced against me. On another occasion I was involved in a contest with Trinity College, respecting an advowson to which my predecessors had presented for 150 years, and which was of such small value, that neither the college nor myself would have contested it, but that we felt compelled to do so as guardians of a property, the right of which we were bound to maintain for the advantage of our successors. My Lords, having thus had experience myself of the hardships that ensue from leaving the patronage of the Church exposed to incessant litigation, I would urge you to pass this bill for limiting the time within which actions may be brought respecting advowsons.

House went into a committee.

The *Lord Chancellor* said, after what had occurred, he should move words to the effect that the bill should come into operation on the 1st of January, 1843.

Earl of *Glengall:* That is only six months from this date. It will be quite impossible to find incumbents in the time.

The *Lord Chancellor:* As far as my experience goes they are plenty enough.

The Earl of *Glengall* objected most strongly to the short time for commencing actions. It was impossible to try a *quare impedit* action for less than 1,500*l.*, and, therefore, it would be very inconvenient for most people to try more than one at a time. The most rev. Prelate appeared to think, that the noble Marquess knew nothing of what he was speaking about on a former night. But the noble Marquess succeeded in his case, and, therefore, he did know what he was about; no man knew better what he was about than his noble Friend. As to the other part of Mr. Ratcliffe's letter, he perfectly coincided in opinion with the writer, and he would not desire a better case to go into court with. In the time of the reign of Charles 2nd, inquisitions were held on every man's estate in Ireland, and the Crown clearly ascertained what each man was possessed of. These inquisitions are now in existence, and are the best titles the proprietors had, and the most valuable documents they possessed.

Bill passed through committee with amendment.

House resumed; bill to be reported.

Adjourned.

HOUSE OF COMMONS,

Tuesday, August 2, 1842.

MINUTES.] BILLS. *Public.*—1°. Insolvent Debtors; Consolidated Fund.

2°. Coventry Boundary.

Committed.—Court of Chancery Offices; Slave Trade Suppression; Canada Loan; Slavery (East Indies); Lunatic Asylums (Ireland).

Reported.—East India Bishops; Slavery (East Indies).

3°. and passed:—Bribery at Elections (No. 2); Militia Pay.

Private.—Reported.—Lord Dinorben's Estate; Duke of Buckingham's Estate; Hele's Charity (Lowe's) Estate.

PETITIONS PRESENTED. From Bakers of Armagh, for abolishing the System of Night-work.—From Messrs. Parker, and Mr. Cox, for Compensation under the County Courts Bill, for the loss of Offices as Clerks of the Courts of Requests, Blackheath, and Exeter.

CHURCR-RATES.] Sir *John Easthope* said, in moving for certain returns, he begged leave to ask the right hon. Baronet, (Sir Robert Peel) whether it was the intention of her Majesty's Government to give to the subject of Church-rates, during the Parliamentary recess, that consideration which would be needful to enable them to bring forward some measure for the settlement of the question in the course of the ensuing Session; or whether he was to understand that the right hon. Baronet was satisfied with the present state of the law? The hon. Baronet concluded by moving for returns of the gross amount of Church-rates during the years 1841 and 1842, setting forth the sums applied for the maintenance of the fabric of churches; the places in which Church-rates were not raised; and also the places wherein attempts had been unsuccessfully made to carry Church-rates.

Sir *R. Peel* could not undertake to give any assurance, that in the course of the next Session he would bring forward a measure on the subject. With respect to the second question, namely, whether he was satisfied with the present state of the law, he must say, that he should be sorry to give such an assurance respecting any law.

Sir *J. Easthope:* My question practically was, whether we are to expect the Government to give their consideration to the subject, with a view to settling it?

Sir *R. Peel:* And my answer is, that I cannot sanction any expectation that her Majesty's Government are prepared to bring forward a bill on the subject of Church-rates.

Motion agreed to.

MEXICO AND TEXAS.] Mr. *Cobden* begged to repeat a question which he had before put to the right hon. Baronet, with respect to the vessels fitting out to take part in the Mexican war.

Sir *Robert Peel* believed the facts were these: Two vessels were fitting out, one at Blackwall and the other at Liverpool. It was said, that those vessels were being fitted up for the Mexican government, but they were not to be the property of Mexico until they had arrived at Vera Cruz. Application had been made to the British Government to permit them to be manned with British seamen, and that permission had been refused. The hon. Member was under the impression, that one vessel was to be commanded by an officer who held a commission in her Majesty's navy. He could state that, in consequence of an application from the Texian minister on the subject, that minister had been informed that no officer in her Majesty's navy would be allowed to serve the Mexican government against Texas. The Texian government had been informed, that if hostilities should take place, it was the intention of the English Government to maintain a perfect neutrality.

Copyright of Designs.] The report on the Designs Copyright Bill, was brought up. On the question, that the amendment made by the committee to the bill be read a second time,

Mr. *Williams* objected, that the measure had not been sufficiently discussed, and he should therefore move, that it be recommitted.

Mr. *Heathcoat* thought the bill deserved greater consideration than it had yet received, and therefore supported the motion of his hon. Friend. The bill was not intended originally to apply to the lace trade, but by the amendments introduced by the right hon. Gentleman the Vice-President of the Board of Trade, it had been extended to that trade. The effect of the bill would be to promote litigation, to unsettle and embarrass trade, and to discourage some of our chief manufactures. The provisions relative to the registry of designs would be productive of the utmost confusion. People would go on registering their designs, unknown to each other; and when the spring season commenced, it would be found that in hundreds of cases there would be ground, or at least it would be considered that there was ground, for complaint of piracy. The main question, after all, would be left undecided—namely, what constituted a "new design." The bill authorised any two magistrates to decide the dispute. Why, a question so practical and difficult it would be utterly impossible for the magistracy to understand. To make ladies the judges would be infinitely better. He felt the strongest conviction that the bill ought not to pass into a law—at all events, that it ought not in the present year to be allowed to go through that House. If, however, the right hon. Baronet should be so ill-advised as to prevail on the House to adopt such a measure, one thing was certain—that he would have to amend it or propose its repeal in the course of the ensuing year.

Mr. *Ellice* hoped that the Government would pause before they urged upon the House the adoption of such a measure. He knew how much the attention of the right hon. Baronet was occupied; but he was sure that if he could spare time to apply himself to the subject, he would withdraw his support from a bill in all respects so objectionable—so full of an inquisitorial spirit. If he only gave to it a little reflection, there could be no doubt that he would refuse to ride the hobby of the hon. Member for Belfast. It was too bad that the interest of a whole trade should thus be affected, as it were, by a side wind. It was intolerable that the lace trade should now hear of a bill for the first time which was so materially to affect their interests, and of which, therefore, they ought to have the fullest and most distinct notice, in order that they might have their case fairly heard by that House. He begged hon. Members to look at the manner in which such a bill was likely to expose the manufacturer, the trader, and the inventor to all the machinations of attorneys and informers, who might, by application to two magistrates, produce the greatest injustice. Two magistrates were not competent to decide any such matter; and the bill was one which on no account ought to be allowed to pass at that period of the Session, or at any period, without undergoing very material alteration.

Dr. *Bowring* said, if they were to have any protection for the copyright of designs there ought to be sufficient machinery for the purpose of effecting that object. A tribunal composed of two magistrates was not only objectionable, but wholly inadequate to accomplish the object in view. He hoped, that the right hon. Baronet would reconsider the question and bring forward a more matured measure in the course of next Session.

Mr. *Hume* said, it would be impossible for parties liable to be affected by this act to know whether they were offending against it or not. He objected to it also on the ground, that it would further extend and strengthen the restrictions upon trade. In the present state of the country every possible facility ought to be given to trade and manufactures; but the proposed bill was an evident impediment to the progress of trade.

Mr. *Henley* would support the recommittal of the bill. Two magistrates were incompetent to decide what was new and what was old in patterns, and if the bill were not recommitted he should certainly on the third reading move additional clauses.

Mr. *Phillips* agreed in the opinions expressed by the hon. Member for Oxfordshire and the hon. Member for Tiverton. He also concurred in a wish which had been expressed by several hon. Members, that this bill should be postponed for the present Session. The select committee which had considered the subject never recommended this piece of legislation; they had not even suggested its provisions. He would take this opportunity of correcting a statement made by him during the last debate upon this bill,—namely, that 2,000*l.* had been subscribed by Mr. Henry to defray the return of Mr. Emerson Tennent at the last Belfast election. He had since received a letter from Mr. Henry, which he would read to the House. The writer commenced by observing, that he had been informed that he (Mr. Philips) had stated in the course of a debate upon the Copyright of Designs Bill, that he had paid the sum of 2,000*l.* towards the expenses of the election of Mr. E. Tennent, and had insinuated, that it had been given as a bribe, to secure that Gentleman's services in reference to the said measure.

"Not a single farthing of that sum (said Mr. Henry) was paid by any calico manufacturer but myself, nor by any person in the print trade; nor had it any reference to the success of the copyright of designs. It was subscribed by myself and some friends as a testimony of our esteem for the high character of Mr. E. Tennent, and as a proof of our desire to secure a fit and proper person to represent the town of Belfast in Parliament."

He had spoken according to what he understood to be the facts of the case; but he now found that he had been mistaken. Still it appeared to him somewhat extraordinary that any individual should go to the extent of subscribing 2,000*l.* for the election of a Member of Parliament, a sum which it had been proved before the Election Compromise Committee formed a large portion of the expenses of that election. He begged to be understood as not making the slightest personal insinuation against Mr. E. Tennent. But, to return to the bill, he was of opinion, that if it were passed in its present shape it would be productive of nothing but trouble and dispute, and mischief to trade. Whatever might become of the bill, or however he might be censured for the course he took against it, he felt that he was doing his duty. He feared that the effect of the bill would be to furnish our continental rivals with good designs at our expense. He had brought with him a pattern of an article which had been bought in Paris for the inspection of the right hon. Gentleman opposite. [The hon. Member handed a piece of printed cotton across the table.] There could not be a more ugly pattern; with a little water, a little mud, and a little blood, he could produce many a better pattern. It so happened that two or three houses had purchased this pattern; and, upon one of the party being about to publish it, he was stopped by the other, who claimed an equal title to the original possession of the pattern Now, would they have the law put on a footing which would give the wealthier man the power of saying to a humbler dealer, "You shall not sell until I have sold all my stock and glutted the market, and then you may sell if you can?" That would be a source of great injustice. He could nor divest himself of the apprehension that this measure would enable our continental rivals successfully to compete with us in the printing as well as in the fabric of the article. They had already passed a measure for grinding foreign corn in bond. Could anything prevent Belgium from printing English calicoes in bond? If so, was not this bill likely to injure our calico trade to a serious extent? He called upon them to have regard to the future as well as to the present.

Mr. *Gladstone* would be sorry to press upon the House the carrying into a law any measure which had not been fairly considered, and to consider which sufficient time and opportunity had not been allowed, so as to bring its provisions to maturity. He wished the House to judge whether the demand for the postponement of this measure was an equitable demand or not. What was the history of the bill? It was not introduced by the Government, but by Mr. E. Tennent, the late Member for Belfast, on his own responsibility; and upon his losing his seat the bill was taken up by the Government. It had been urged, "Do not pass this bill before you hear what the representatives of the trades which it will affect have to say upon it." There never was any measure in respect to which such an objection was less appropriate. There had been ample time for the statement of objections on the part of those interested, but none had been made. The different trades were not objecting parties to the bill; the parties objecting were a minority. But that was a question he would not now discuss; it had been fully discussed on a former occasion. If the House did not proceed with the bill in the present Session it would be a great disappointment to the majority of the great mass of the trades affected by the bill. But it was said, that the lace trade had not had time to deal with it. That was not a question to be discussed now. They were now discussing, nominally, whether the bill should be re-committed. To that course he should object. It was perfectly fair for the hon. Member for Oxfordshire to wish for it, because he wanted to introduce some clauses into the bill. But the real question was, "Is the bill to be proceeded with?" What were the authorities in behalf of an answer in the affirmative? In the first place, a committee sat in 1836, to consider the state of the arts of design in this country, and that committee was composed chiefly of gentlemen who held the most liberal views upon the question of trade. They reported, that the arts of design were in a very low and languishing state in this country, and that one of the main causes of that condition was the want of protection of property in design; and they recommended that the duration of copyright in design should be extended, and proposed sundry plans for asserting copyright and vindicating it against piracy. In 1840, a bill was introduced which was referred to a committee up stairs, which passed it with provisions corresponding to those of the present bill. Great objections had been made to the machinery of the bill, and perhaps they were not devoid of force; for he did not mean to say, that the machinery of working the bill by magistrates was at all comparable to some others; but it was conceded to the opponents of the measure, who wished that a cheap remedy should be provided. In 1841, the bill was again introduced and discussed. Some new opponents had now taken advantage of the favourable juncture of this period of the Session, and urged that it was too late to pass the measure. But the generel principle of it had been discussed in times when there was a fuller attendance of Members, and when gentlemen of all parties and opinions were in town, and it had been discussed over and over again, and received the approval of the House. The subject had even been referred to a select committee, and the hon. Member for Manchester, was a Member of that committee. What ground, then, was there for opposing the bill on account of the immaturity of its provisions? The bill would, no doubt, have been passed in 1841, had it not been for the sudden adjournment of the House, occasioned by the political crisis which then stopped the progress of public business. It had received the sanction of the Board of Trade in connection with the late Government. With reference to the bill, not one petition had been laid on the Table against it. Every person interested in the bill had looked forward to its being passed this Session. Much had been said on the effect which it was supposed the measure would have on the lace trade. The lace trade had made no protest on the subject. It had been said, that the lace trade had been taken by surprise—such was not the fact. Six weeks had elapsed since the amendment with relation to the lace trade had been inserted, and yet that trade had not protested against the measure. Upon what grounds could the House be asked to disappoint the reasonable expectations of those who had been looking forward to the passing of this bill? If the object of the motion was merely to consider whether the patent should be granted for a period of six or nine months, there could not be any reasonable objection to the recommittal of the bill; but it was clear that the object of the hon. Member opposite, and those who supported his motion, was to delay the progress of the measure, and if possible ultimately to reject it altogether. The principle of the bill had met with the support of the hon. Member for Inverness, and the right hon. Gentleman the late President of the Board of Trade. That right hon. Gentleman had certainly expressed an opinion in favour of a six months', instead of a nine months,' term of copyright, but he gave his sanction to the principle of the bill. Under these circumstances he thought it was unreasonable to ask the House to consent to the motion of the hon. Member. He should, therefore, oppose the motion.

Viscount *Palmerston* said, it had been urged by those who spoke against the motion that the measure had already received sufficiently the consideration of the House. He did not think that the House had sufficient time to discuss the machinery of the measure. He understood that the object of the bill introduced by the late Member for Belfast was to apply the provisions of the present law to other articles of manufacture. He thought that his hon. Friend had made out a case in favour of the lace trade. The portion of the measure which had relation to that trade ought to be restored to the bill; in fact, it ought to stand as it did on its second reading in that House. He hoped that the right hon. Gentleman, who grounded his arguments in favour of the bill on the support which different trades had extended to it, would consider the objections which had been urged by the hon. Member on that side of the House on the part of those engaged in the lace trade, who considered that the measure would lead to embarrassment, inconvenience, and injury, without being productive of any benefit.

Sir *T. Fremantle* protested against the noble Lord and the hon. Member considering that they had a right to monopolize the lace trade. It should be recollected that there were two different kinds of lace trade, the one the pillow lace, and the other by power and machinery. Those engaged in the lace trade in the borough which he had the honour of representing desired protection.

Sir *R. Peel* had been on the committee formed for the purpose of considering the question, and he was prepared to admit that the subject was surrounded by many difficulties. He thought that the weight of authority was in favour of the extension of the term of copyright. The original term proposed was twelve months, but as it was considered that that term would give rise to a great interference with trade, he had proposed a limitation of the time from twelve months to nine, He and many others were very anxious to encourage schools of design; in order to carry out that view many men who were engaged in the trade paid large sums for good patterns, and it was too hard upon them, that others who had not expended one shilling upon them should be allowed to lie in wait until they saw a pattern which had succeeded, and, instantly copied it and inundated every market with it. Suppose a man were to procure 100 patterns as an expense of from 10*l.* to 20*l.* each, and only five out of all were to succeed, and just as he had produced them, and hoped that his profits on those five would repay him for the expense he had gone to for the others, just at that moment he found another person profiting by his outlay—by the encouragement he wished to give to design; had he not a right to say, that such a state of the law was unfair, and that the act was piracy? The right hon. Member for Coventry would not deny, that amongst his constituents they could not get up a design even for a riband; that trade depended on the arrivals of the French patterns. Well, that was admitted, and what did it prove? Merely this, that the taste of the French was cultivated because of the encouragement given to art by a copyright which existed for a twelvemonth. He was exceedingly sorry that so many of the chief supporters of the bill had left town, and that so many of those who opposed it amongst the manufacturing interest remained. He was in no way interested in the question, except as one anxious to promote the welfare of trade and the lately established School of Design. The bill had been under the consideration of the House for three years, and he trusted the Legislature would not now separate without affirming its principle, and so relieve trade from that anxiety and embarrassment which, with other causes, had operated in producing the present, he hoped he might say, the late stagnation.

Mr. *Brotherton* admitted, that the question was a very difficult one, existing, as there did, such a diversity of opinion amongst those engaged in the trade. Unless he were of opinion, that the bill would deeply injure the printing trade, he would not offer it any opposition. But the fact was, we were now exporting more printed cottons than we printed altogether in 1830, and the bill, if carried into law, would deeply injure that trade. Besides, the bill would lead to endless litigation, inasmuch as who could say what was an original pattern or not? and it still allowed the importers of French patterns to register them as their own, a system out of which infinite confusion had already risen. There was no question it would benefit individuals, but not to such a degree as to recompense for the injury it would do the public, because to them it must raise the price of the goods. The right hon. Baronet had been much misinformed with respect to the prices charged for the patterns; the average was certainly not above 7*s.*, many of them were purchased for 5*s.*, and it must be a very good one indeed that would fetch 10*s.* 6*d.* The bill would only benefit the rich manufacturers, and would prove in their hands a source of much oppression against the young and able tradesman whom they might fear as a rival.

The House divided on the original question:—Ayes 73; Noes 14; Majority 59.

List of the Ayes.

A'Court, Capt.
Aldam, W.
Allix, J. P.
Arbuthnott, hon. H.
Arkwright, G.
Baird, W.
Baring, hon. W. B.
Bentinck, Lord G.
Boldero, H. G.
Botfield, B.
Broadley, H.
Brocklehurst, J.
Browne, hon. W.
Bruce, Lord E.
Chetwode, Sir J.
Collett, W. R.
Colvile, C. R.
Corry, rt. hon. H.
Cripps, W.
Currie, R.
Damer, hon. Col.
Darby, G.
Dawnay, hon. W. H.
Douglas, Sir H.
Douglas, Sir C. E.
Duncan, G.
Eaton, R. J.
Eliot, Lord
Escott, B.
Flower, Sir J.
Ffolliott, J.
Forbes, W.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt.hn.W.E.
Gore, W. R. O.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greene, T.
Grogan, E.
Hamilton, W. J.
Hardy, J.
Herbert, hon. S.
Hope, hon. C.
Howard, P. H.
Humphery, Ald.
Jermyn, Earl
Jones, Capt.
Knatchbull, rt.hn.SirE.
Lefroy, A.
Lincoln, Earl of
Lockhart, W.
Mundy, E. M.
Nicholl, rt. hon. J.
O'Brien, J.
O'Connell, D.
Pakington, J. S.
Peel, right hon. Sir R.
Peel, J.
Polhill, F.
Pollock, Sir F.
Praed, W. T.
Smith, B.
Stanley, Lord
Stewart, J.
Stuart, H.
Sutton, hon. H. M.
Taylor, T. E.
Trench, Sir F. W.
Trotter, J.
Verner, Col.
Vivian, J. E.
Young, J.

TELLERS.

Fremantle, Sir T.
Pringle, A.

List of the Noes.

Blackstone, W. S.
Bowring, Dr.
Brotherton, J.
Callaghan, D.
Divett, E.
Duke, Sir J.
Ellice, rt. hon. E.
Henley, J. W.
Hume, J.
Napier, Sir C.
Palmerston, Visct.
Philips, M.
Scholefield, J.
Tufnell, H.

TELLERS.

Williams, W.
Heathcoat, J.

Amendment read a second time.

Mr. *Williams* rose to move an amendment. He said he thought it was evident that the right hon. Baronet opposite did not fully understand this question. The right hon. Baronet was a Member of the committee appointed in 1839 to consider this subject; but he only attended for some three quarters of an hour or so, and asked two or three questions. He could state, with respect to the manufacturers of Coventry, that whatever might be the skill and taste they displayed, they were compelled to sell their stocks at a great sacrifice. One of the manufacturers of that town produced a pattern, some time since, for which he could not obtain a sale; but the same pattern was, during the last spring, adopted by a French manufacturer, and the goods were sold most extensively in this country. It had been represented that he had a personal interest in this question, but he wished to state that for the last six years he had not been concerned in any trade or business; and he had never possessed any interest in tne particular trade affected by this bill. It appeared that thirty-four of the principal calico-printers of this country, who in the year 1839 produced 6,034,000 pieces of 24 yds. each, had petitioned the House against any alteration in the existing law, and believed that all the persons engaged most extensively in the trade, whether as merchants or manufacturers, were opposed to any change. The right hon. Gentleman the Vice-President of the Board of Trade had stated that the committee appointed in 1836 recommended the adoption of a bill similar to that now before the House. That committee had given no sanction to such a bill as this. The hon. Member for Dumfries (Mr. Ewart) moved for that committee, and that same hon. Member, being a member of the committee of 1840, voted against any extension of the copyright. It had been also stated that the Board of Trade had recommended this measure, or something like it. No such thing; there was no such recommendation. The reference to two magistrates, instead of being in force, for many years had never been applied to the principal branch of this trade and the calico trade. No such bill as this had been debated or considered, for the bills debated in the last Session and this year, on the second reading, were very different from this measure, and the last stage was taken on a Saturday. The changes which had been made in the progress of the bill were the causes of the errors in legislation so frequent in their measures; no two of the judges could be brought to agree on all the clauses of any act the House thus passed; this was the necessary consequence of bills being thus smuggled through the House. He conceived that the bill would afford a fruitful source of litigation, and would be most advantageous to the lawyers, for whose benefit he thought it had been concocted. It had been shown by the evidence given before a committee of that House, that in one case a copyright had been claimed for a pattern which had been in existence for fifty years; and one gentleman, who was a very extensive manufacturer, stated in evidence, that it was most difficult to decide what was an original design. Another gentleman engaged extensively in the manufacture stated that though he had been in the trade for thirty years, he had only seen one design which he could consider original, and that was obtained by means of the kaleidoscope. During the last five years, the time that the present act had been in operation, upwards of 30,000,000 of what were called new designs had been produced; every object in nature, or which the imagination of man could conceive, had been produced, and it was utterly impossible to make an original design, in the opinion of those who best understood the subject. The second clause proposed to leave the decision as to the originality of designs to three tribunals;—namely, to two magistrates, to a court of law, and to the Court of Chancery; he should propose that two magistrates should have the decision of these questions, and leave out any resort to the Courts of law and Chancery. The third clause brought a vast variety of branches of trade within the ban of this law which had never before been subjected to any copyright whatsoever. The effect of these changes would be to render these articles dear to the public, and especially to the poorer classes. It was proposed, that the copyright should be extended to three years on paper-hangings, carpets, stained glass, wood cuts, earthenware, &c., and he thought these changes unwarranted, as they were not required by the trade. He should propose an amendment or addition to every clause in the bill. He should first propose as an amendment to the second clause, to leave out all the words after "copyright" in the third line.

Mr. *Hume* thought designs in France were superior to those in England, that was not owing to protection, but to the schools for the rearing and teaching of the young men. He wished to know who was pressing the bill through the House? He thought it ought to be postponed to some future period, to give time for further consideration. The effect of it would be to establish monopolies against the consumer. It was risking a great deal of mischief without much prospect of good. On all these grounds he hoped the right hon. Baronet, at the head of the Government, would re-consider the subject, and not press this bill further at this period of the Session.

Sir *R. Peel* said, that after the bill had been now three years under consideration, and after the House by a majority of seventy-two to thirteen had just now come to a decision in its favour, he hoped hon. Gentlemen opposite would not lend themselves to a course which would not only be fatal to the character of the House, but would prevent the bill passing. He would not enter now into a discussion of the bill—the House, he repeated, had manifested by seventy-two to thirteen a decision in favour of the measure, and he trusted the hon. Member for Coventry would not interpose to stop the measure by pursuing a course which would be quite inconsistent with that fair mode of opposition he had always hitherto pursued.

Mr. *Morrison* had always entertained the opinion he had expressed on a former occasion—that the manufacturers ought to have some protection in their copyright of designs. He was anxious to see an English style established, for at present, this country in this respect, was a mere copyist of France. He, however, thought some difficulty would arise under this bill in the case of two manufacturers purchasing the same design in Paris, as to which should have the copyright in this country.

Amendment withdrawn. Other amendments were proposed, some were negatived, and some agreed to.

On Mr. Williams's proposition to omit in clause 3 the words "nine calendar months," in order to insert the words "three calendar months."

The House divided on the question, that the words proposed to be left out, stand part of the bill:—Ayes 78; Noes 13:—Majority 65.

List of the NOES.

Brotherton, J.
Curteis, H. B.
Duke, Sir J.
Forster, M.
Heathcoat, J.
Hume, J.
Morris, D.
Palmerston, Visct.
Plumridge, Capt.
Scholefield, J.
Seale, Sir J. H.
Thornely, T.
Wood, B.

TELLERS.
Williams, W.
Philips, M.

Bill to be read a third time.

MONUMENTS TO NAVAL HEROES.] Sir *R. Peel* said, he believed it would be more regular if his motion, "That an address be presented to the Queen to erect monuments to Lord Exmouth, Lord De Saumarez, and Sir Sydney Smith," were made in a committee of the whole House. He should, therefore, now move that the House do resolve itself into a committee on Friday next, for the purpose of considering this address.

Mr. *H. B. Curteis* said, that as he could not be in the House on Friday, he should take that opportunity of expressing his opinion that, at a time when it was necessary to burden the country with a new load of taxation, they ought not to think of creating new expenditure by voting money for the erection of monuments. He hoped, when the motion was brought forward, some hon. Member would move, as an amendment, that no such monuments should be erected until the prevailing distress was alleviated.

Sir *C. Napier* was much surprised at the speech of the hon. Gentleman, and did not think he should be doing his duty if he did not express his cordial support of the proposed address. No men of the age better deserved monuments to their illustrious memories than the gallant officers to whom it was proposed to erect these trophies. He only hoped that their monuments would be worthy of their fame, and, if he might be allowed to make a suggestion, it would be, that one great monument should be raised in honour of all, instead of making a division of the public money, and erecting small tablets to each.

Motion agreed to.

House adjourned at a quarter to one o'clock.

HOUSE OF COMMONS,

Wednesday, August 3, 1842.

MINUTES.] BILLS. *Public.*—2°. Exchequer Bills; Consolidated Fund.

Committed.—Newfoundland; Court of Chancery Offices; Lunatic Asylums.

Reported.—Tobacco Regulations; Canada Loan; Slave Trade Suppression.

3°. and passed:—Slavery (East Indies); Designs Copyright.

Private.—3°. and passed:—Duke of Buckingham's Estate; Lord Dinorben's Estate.

PETITIONS PRESENTED. By Mr. F. Scott, from Schoolmasters of Jedburgh, Kelso, and Annan, for ameliorating their Condition.—From Enniskillen and Galway, against the Tobacco Regulations Bill.—By Sir H. Douglas, from Liverpool, against the Bankruptcy Law Amendment Bill.—By Mr. Baldwin, from the Grand Jury of King's County against placing Medical Charities (Ireland) under the Poor-law Commissioners.—By Mr. Hutt, from Peter S. Carey, Esq., and others, for Compensation under the County Courts Bill.—By Mr. Mackinnon, from Alex. Fairbrother, against Burying in Church-yards.—By Mr. S. Wortley, from Doncaster, against constituting that Town a Parliamentary Borough; and from St. Giles, Middlesex, for better Regulation of Buildings in Towns.—From Polish Refugees, complaining of being Struck off the Pension List.—By Mr. T. Duncombe, from Wm. Gellen, for Inquiry into the Penitentiary.—By Mr. Labouchere, from Samuel Gordon, for the Repeal of the Sugar Duties.—From Nottingham, for Medical Reform.—By Mr. Parker, from Sheffield, for an Inquiry into the National Distress.

SHIPPING.] Mr. *Hutt* begged to ask a question of the hon. Member for London. In the previous Session of Parliament the hon. Member had given notice of his intention to move for a committee to inquire into the effect which the various alterations made in the Navigation Acts had produced on the trade and shipping of the country. Now, he (Mr. Hutt) wished to know whether the hon. Member still proposed to undertake such an investigation? The hon. Member's notice had excited considerable interest in the outports, and it was desirable, therefore, to know whether it would be persevered in during next Session.

Mr. *Lyall* begged to state, in reply to the question of the hon. Gentleman, that it was his intention to move in the ensuing Session for the appointment of a committee for the objects specified by the hon. Gentleman. He stated, that he fully intended to have done so in the course of the present Session, but the important measures successfully introduced by her Majesty's Ministers had engaged the attention of the House until (as it appeared to him) the Session was too far advanced to enter upon so extensive and complicated an inquiry. He was aware, however, that the subject excited considerable interest, more particularly in the present depressed state of our shipping; and it was, certainly, his intention to endeavour to bring the subject under the consideration of Parliament at an early period of the next Session.

PUBLIC BUSINESS — NEWFOUNDLAND.] Mr. *Labouchere* said, he was given to understand that before half-past four o'clock, the time at which public business commenced, an hon. Baronet, one of the Secretaries for the Treasury, had passed several Orders of the Day, and carried a motion for the meeting of the House at twelve o'clock to-morrow. It was probable that those motions would not have been opposed, but it was hardly fair to bring them on before the hour fixed for the commencement of public business.

Mr. *O'Connell* said, the motion for the meeting of the House to-morrow ought not to have been made without notice. To consent to morning sittings was holding out a bonus to Ministers to ged rid of business rapidly. If Ministers were behindhand with their business, it was their own fault. Take the case of the Newfoundland Bill—an important measure, which was to destroy the constitution of a colony—it was not laid upon the Table till the month of June; it was then postponed, and now, forsooth, it was to be passed in a hurry.

Lord *Stanley* expressed his astonishment at the observations which the right hon. the Lord Mayor of Dublin had made respecting the Newfoundland Bill. That measure was introduced in May; it was then postponed for six weeks, in conformity with a notice of motion which the right hon. Gentleman gave. It was subsequently postponed a fortnight more, at the right hon. Gentleman's request, and on his assurance that he did not intend to interpose any unnecessary delay in the way of the passing of the measure; and, now, the right hon. Gentleman turned round and accused the Government of a desire to hurry the bill through the House?

Mr. *O'Connell* said, the bill was not postponed six weeks at his instance; he had only put a notice of motion to that effect on the book. It was the business of the Government, which had prevented the bill being brought forward sooner. On one occasion, when the bill was fixed for a Monday, he asked him to postpone it till Tuesday, but the noble Lord postponed it to Friday. He was not answerable for that. He disclaimed having asked for any indulgence, except with respect to a single day. He had said that he would offer no factious opposition to the bill, and he would not.

CORONERS—WARWICK AND LANCASTER. Lord *Stanley* requested the hon. Member for Warwick, whose bill stood for a committee, to give precedence to the Newfoundland Bill.

Sir *Charles Douglas* said: Sir, I feel myself placed in a situation of considerable difficulty in consequence of the request made by my noble Friend, and that difficulty is increased in consequence of the absence of my right hon. Friend, with whom I have been in communication upon the subject of this bill. I have every disposition to facilitate the views of the Government upon the subject of Newfoundland, but I am placed in this situation with respect to the Coroners' Bill, that if I have no opportunity of bringing it on to-night, unless the Government give me considerable facilities hereafter, I do not see any chance of getting the bill passed this Session. If the Government will give me facilities on Friday, so that I can get the third reading on Saturday, I may have some chance of getting the bill through, if not I do not see how I can. If I give way to-night, I do it at the expense of those whose claims I advocate upon public grounds, and solely in consequence of their justice. Under these circumstances, I should be glad to know, whether my noble Friend will persevere in his request. I have no reason to suppose that the Coroners' Bill will lead to any lengthened discussion. I believe the parties will offer no opposition to the clause of the hon. Member for Cockermouth for confirmation of the charters in this House. I understand there is no active opposition from Birmingham upon this point in this House, and I do not apprehend any opposition to the other clauses, and I have every reason to believe it would not take any considerable time this evening. I am most anxious not to inconvenience the Government, who, no doubt, have many matters which press very much upon them, and if I should consent to postpone the consideration of these claims, which I urge solely upon the ground of their justice, I trust my noble Friend will give me some day, and some facilities by which I shall be able to pass the bill this Session.

Mr. *Aglionby* hoped, that the hon. Member for Warwick would not postpone his bill.

Mr. *M. Philips* said, it was necessary they should know what were the views of the right hon. Baronet (Sir J. Graham) on this subject, as he (Mr. Philips) understood the right hon. Baronet intimated that he would give the hon. Member for

Warwick an opportunity to proceed with his bill. He was quite ready to go on with the bill himself.

Sir *James Graham* wished, before he answered the question of the hon. Member for Manchester, to know if the hon. Member for Warwick would accede to the request of his noble Friend, and consent to the postponement of the discussion on the bill.

Sir *Charles Douglas*: It is well known I believe to the House generally that I only brought forward this bill upon the understanding that as far as the second reading was concerned, I should have the support of the Government and I had reason to believe, that with the exception of one point the parties would agree in the support to be given to the proposition of the hon. Member for Cockermouth, I infer that my right hon. Friend the Secretary of State for the Home Department is perfectly aware of all the objects of the hon. Gentleman. I am only desirous of consulting the interests of those for whom I have brought forward this bill, and it is solely with a view to justice being done them. I hope if the right hon. Gentleman the Secretary of State for the Colonies says it ought to be postponed for the convenience of the Government, he will see the necessity of making some arrangement by which this bill shall be carried into a law during the present Session.

Mr. *T. Duncombe* understood that it had been proposed that the House should meet to-morrow at twelve o'clock, in order to dispose of unopposed Orders of the Day. Now, as to-morrow was the only day on which Notices of Motion had precedence of Orders, he thought it was unfair to bring forward a proposition of that sort without due notice. There were several notices on the paper, and if the Government got the business done at twelve, it was pretty certain there would be no House at four. He himself had several notices on the paper, and if he were prevented bringing them forward to-morrow, he would bring them on when the Orders of the Day should be proposed; so that the Government would find the business obstructed, instead of gaining anything by these proceedings.

Sir *R. Peel* said, that, fearing business might prevent him from coming down to the House, he had requested his hon. Friend (Sir G. Clerk) to make the proposition alluded to by the hon. Member, and he told his hon. Friend not to make the proposal unless he thought it would meet with the general concurrence of the House; and he also understood that his hon. Friend had communicated with several hon. Gentlemen opposite on the subject.

Mr. *T. Duncombe* said, there was a great difference between the right hon. Baronet himself bringing forward such a proposition at the time of public business, when the House was full, and his sending down the Secretary to the Treasury, at a quarter after four o'clock, to make it, while there were not twenty Members in the House. When he entered the House, at half-past four o'clock, there were only two Members sitting on the Opposition side of the House, and then he was told that the proposition had been made. It was taking an unfair advantage to bring forward such a proposition at such an hour. Would the right hon. Baronet guarantee that there should be a House at four o'clock? If he would not, such conduct was most unfair.

Sir *Charles Douglas*: My right hon. Friend sees the difficulty to which I am reduced, having brought forward the claims of these individuals solely on the ground of justice, I am most anxious that no unnecessary delay should take place, and I hope the right hon. Baronet will now state the assistance he will give me, and what he will do to forward the progress of this bill.

Sir *James Graham* said, that if the bill were withdrawn, he would move for leave to bring in a bill to confirm the charters of Manchester, Birmingham, and Bolton.

Mr. *T. Duncombe* said, that he could see no reason to justify the proposal of the Government, that the House should meet at twelve o'clock. It appeared to him that the only motive for such a motion was a desire to get rid of the House early in the evening. He hoped that the proposl would not be persevered in.

Sir *R. Peel* said, that he should not press the motion if it were objected to. The right hon. Baronet then gave notice that he would to-morrow (this day) move that the House should meet at twelve o'clock on Friday.

Committee on Warwick and Lancaster Coroner's Bill deferred.

NEWFOUNDLAND.] The Order of the Day for resuming the adjourned debate on the question, that the House resolve itself into a committee on the Newfoundland Bill, was read.

On the question that the words proposed to be left out stand part of the question being again put,

Mr. *Pakington* said, that as he had, on the previous year, moved for a committee to inquire into the state of the colony of Newfoundland, he trusted he should now be allowed to state his reasons for giving his unqualified support to the measure of her Majesty's Government. In moving for the committee of last year, he had only one object in view. He knew that, year after year, petitions had been presented from the people of Newfoundland, complaining that their grievances were intolerable, and he knew that these complaints were not heeded by the then Government. For that reason be had moved for the committee. That committee was cut short by the abrupt termination of the Session; but in the beginning of the present Session he spoke to his noble Friend the Secretary for the Colonies, on the subject, who assured him that it was his intention to bring in a bill to redress the grievances of Newfoundland. But for that he would have moved for the renewal of the committee. He contended that the bill now before the House was rendered necessary by the fact that the late Legislative Assembly of Newfoundland had been guilty of tyrannical conduct, had grossly mismanaged the finances, and had tampered with the administration of public justice. Sir J. Harvey, in his recent despatches, had stated that there were not in Newfoundland the materials for a representative system, and he thought, therefore, her Majesty's Government had adopted a wise course in uniting the Legislative Assembly and the Council, which was the principal provision of the bill. He also highly approved of the provision for shortening the time of the elections, which would prevent the great abuses which had prevailed in Newfoundland. The cause of good order and good government—the cause of real liberty as distinguished from unchecked violence—rendered some legislative interference necessary to check those outrages which had occurred in Newfoundland, and which were not better because committed under the pretence of constitutional authority. He should give his cordial support to the Bill.

Mr. *C. Buller* said, on the first introduction of the bill he had expressed his regret at its having been proposed, and that feeling had only been confirmed by reflection. He could not disguise from himself this fact, that the House were proceeding on mere *ex parte* statements, and he was persuaded that had the Newfoundland Assembly an opportunity of being heard at the Bar of the House, they would be able to make out a strong case in opposition to this measure. which it was hardly just to press forward without giving them an opportunity of stating their case to Parliament. The current of public feeling must necessarily be on this occasion with the Assembly, which had only adopted, in reference to the grossest breaches of its privileges, the natural and justifiable course. Without, however, entering into the discussion of questions which could not be agreeable, the fact was indubitable that somehow or other the Newfoundland constitution had not worked well; and there was the greatest difficulty possible in solving the problem of what would be a good form of government for colonies similarly situated, where there were, on the one hand, a lower order of people exceedingly turbulent, and disposed to settle disputes by bludgeons; and, on the other hand, a sort of imitation of the peerage at home, but a very bad imitation—those possessed of any distinction in these colonies being disposed to push their pretentions to an extent to which the more stable aristocracy of older countries would be ashamed to press them. Abstractedly, then, he should not have objected to an alteration in the constitution of the colony; but he thought the alterations proposed far too violent. The combination of the Legislative Chambers into one he approved; but considered the proportion of Crown Members (though they were certainly the most intelligent) far too great as ten to fifteen, seeing that the Government would only have to gain over three Members to override the people's representatives. The raising the qualification of voters he thought highly inexpedient; it was by no means certain that this would secure the sort of electors desired; at the same time it would have the offensive appearance of narrowing the franchise, The rioting which was in these colonies incidental to elections would by no means be put down by this measure; people wanted not to be registered to riot and break heads; on the contrary, the attempt at excluding people from the franchise would give the riotings a more dangerous character, as partaking of an insurrectionary spirit. The influence of the Popish priests (the real difficulty) would not be diminished by the bill, while they would be irritated by the apparent attempt to put them down. On all these grounds he strongly deprecated the passing of the bill.

Sir *Howard Douglas* spoke to the following effect:—I should not like to give a silent vote upon this subject; a subject involving questions of the greatest importance in principle, in practice, and in tendency. Immature seizures upon liberty, by untimely applications of constitutional theories ill adapted to the peculiar condition and actual wants of the communities to which they are to be applied, invariably occasion disorders and re-actions hurtful to freedom, and pernicious to the people for whose benefit those theories were designed, and who are thus made the subjects of such rash and ill-advised experiments. It is not my intention to notice at all any religious dissentions, or to advert to any divisions with respect to religious persuasions which may, or may not, have appeared in recent disorders in Newfoundland; but taking the population as a whole, I will say, that there never was a case in which the truth of the position to which I have adverted is so apparent as in that which we are now considering. It is clear, from what has been laid upon the Table of this House, from all that we know here, from what has been stated by the hon. Member for Droitwich, and by the hon. Member for Liskeard, that it was a great mistake to confer upon this colony, in 1832, that constitution which we are now called upon either to modify or take away. Freedom to be well enjoyed should never be seized upon immaturely. The way to profit by conjunctures favourable to the advancement and diffusion of freedom is not to attempt all that a perfect or highly-advanced theory teaches and admits of, with respect to a people more or less accustomed to the enjoyment and workings of free institutions. The practical statesman should let himself down to an exact and deliberate consideration of the actual, the backward, imperfect, or perhaps primitive state of society, to ascertain whether the people in the community in question be in a state to receive, with advantage and safety to themselves, the proposed system; and if not, to adopt the necessary measures to prepare them gradually to discharge the difficult and important duties which free institutions impose upon all classes of the people; and then, and not till then, to confer those institutions upon them. Now, I think this has not been observed with respect to Newfoundland. I know something of that island. I first became acquainted with it in almost all its parts inhabited, as well as in some parts uninhabited, I having been shipwrecked upon its shores, and mercifully preserved with the other survivors of a terrible calamity, in which one-third of the officers, soldiers, crew, and all the women and children perished, and here I feel it impossible not to express the strongest possible feelings of gratitude towards a kind-hearted, hospitable, and generous people, for their uncommon kindness and even tenderness to us, and among whom there numbered a very large portion of the countrymen of the right hon. the Member for Cork. When I returned some years afterwards to British North America, I found Newfoundland at my command; and in that situation, and in the Government afterwards of one of the continental provinces of British North America, I was enabled to bring up my information with respect to Newfoundland to the period at which this constitution for them was discussed and framed. and to express my apprehension and conviction that it would lead to trouble and disorder. Why, sir, at that time the population of Newfoundland, always migratory and uncertain, could not have been 60,000—I doubt whether it was above 50,000—dispersed on part of a coast of an island near 400 miles long and 300 broad. The hon. Member for Montrose states that the population at present is near 100,000. The last official returns state it to be 75,000. In 1832 there could not have been any schools, excepting, perhaps in St. John's and some other towns. There are at present only sixteen schools, and not, I think, above 3,000 scholars of both sexes. I do not say, that at that time nothing was required for the organization, improvement, and better government of Newfoundland; but I think that that something ought not to have been the constitution then prematurely conferred upon it. A resident governor, with a responsible executive council, the settlement and improvement of the country, an improved organization and administration of justice, and public education, was all that was required at that time, and I should have thought for some time to come. However, the constitution was given—it has occasioned the disorders, the accounts of which we have before us. It is quite impossible that things can go on as they are; and a case is made out which calls upon us either to take that constitution away or to modify it. This case presents a choice of evils. Of these I take what I deem to be the lesser evil, that of modification, and shall accordingly support as a whole the bill proposed by my noble Friend the Secretary of State for the Colonies. First, with respect to that part of the remedial measure which consists in raising the qualification, I entirely approve of that. I think something like this should have been done at first. If I am told that in 1832 the state of Newfoundland was such that no sufficient qualification could be had without acting almost exclusively, I should say, that that was a sign most distinctly denoting that that community had not arrived at a state to receive and to work a representative system. And even where communities appear to be sufficiently advanced to receive such a system the qualifications for representatives as well as voters should be comparatively high, that the representation may be select, and the constituency by limitation respectable and intelligent. Then as society improves the qualifications may, if necessary, be reduced to open the representation and extend the constituency, but here too we are forced back, raising the constituency instead of reducing it, and all these are the necessary reactions of a rash and untimely experiment. I now come to that part of the bill which I own I approach with great dread, and upon which I entertain great scruples and doubts: I mean the abolition of the council as a separate branch of the legislature, and combining together in one chamber the elementary principles of nomination and election; and I only vote for this as a case of extreme necessity, a temporary expedient to avoid the greater evil, that of abrogating the constitution altogether. But, in so voting, I protest against the dangerous and unconstitutional innovation which this makes in principle upon the British and British colonial constitution; so that, whilst supporting my noble Friend the Secretary of State for the colonies in this measure with the strong objections which I feel to it in principle, I may learn from him distinctly that he admits these objections in principle, that this is to be a temporary measure, and that whenever the state of society in Newfoundland admits of enlarging the constitution by resolving the elementary principles of nomination by the crown, and election by the people, into their distinct and appropriate estates and chambers, that this will be done. But now I must refer to this measure, which, as a principle, was, it appears, designed to be applied originally to Newfoundland in 1832. Sir, I protest most strongly against the principle of applying the British constitution in mutilated form, to any British community. If a colonial community be in such a state, as not to furnish materials sufficient for the machinery of a representative system in all its branches, according to the form and principles of the British constitution, this too is a sign that that community has not arrived at a state such as to supply the machinery requisite for the working and success of the representative system, and therefore that the community should be kept in that less perfect form of government which consists of a governor and executive council. Adverting, then, to the reasons assigned by the noble Lord the Secretary of State for the Colonies in 1832, for having, on the grounds of this insufficiency, designed to apply a constitution to Newfoundland in this mutilated form, had he not then been restrained by the then existing royal instructions, I beg leave, with the greatest respect to that noble Lord, to express my entire dissent from that reasoning, and from the deductions drawn therefrom. I protest, too, against the peculiar constitution of British Guiana being drawn into a precedent for imitation with respect to British colonial communities. That constitution is foreign. It was established there before that colony became a British possession. It may be well to leave that colony for a time under the peculiar form of Government which it formerly possessed, and to which the people are habituated; but I must protest against that form of Government being applied in any degree to British Colonial communities. So, with respect to Australia, I object strongly to the establishment of a representative system in one branch; and hope here, too, that the constitution will, as soon as possible, be amplified. The two elementary principles—aristocratic and democratic, compounded together in one chamber, cannot long subsist together: one or other must prevail, and that one must be the democratic principle. As with respect to the House of Peers, here, so with respect to the colonies, the councils, as separate branches of the Legislature, are the foundations of the monarchical principle. These cannot be abolished, without endangering the monarchical form of Government, or monarchical principle. The separate action of the other two elementary principles in their separate estates, their jealousies of each other, their attachments to their privileges, the resistance of each to the encroachments of the other, are indispensably necessary to maintain the balances of the British Constitution, and thereby enable the Crown to counterpoise the democratic principle. I doubt very much whether—having amalgamated these principles, having abolished or withheld a council, as a branch of any legislative body, when it is found necessary, in process of time, to resolve these two principles into different branches—clamours will not then be raised to make the councils elective. In every case the object should be, to raise an imperfect, backward state of society, to such a comparatively perfect state, as to admit of the application of the British Constitution, in its triple estate, perfect in its form and branches, and not to lower and mutilate it, to adapt it to an imperfect, unsuitable, and almost primitive state of society, by depriving that constitution of its essential form, feature, and mechanism; taking out, in short, one of its principal wheels. Sir, there has been too much tampering already, with the colonial councils, as separate branches of the colonial legislatures; they have been too much deprived of the aristocratic principles too much of the democratic principle infused into them. The monarchical principle has, thereby, come into defect; the Crown thereby deprived of much of its necessary influence. I am prepared to show, with respect to the history of Massachusets and other parts of the old provinces, that it was by such subversions of the monarchical principle and of the councils, and by their becoming elective, that the power of the Crown was ultimately overpowered in the legislative bodies, where both branches, being elective, combined against the other. Sir, I think that the colonial councils, as branches of the colonial Legislature, require to be supported, to be invigorated and encouraged, in a due and suitable manner, considering the great run that has been made, and is making against them. Observe the collisions that are taking place in Prince Edward's Island, between the Council and the Assembly. Collisions, as the House of Assembly state, so serious, that there is no prospect of agreement; and, therefore, they demand a change in the constitution. I have no doubt that they may, under the influences of these examples, be induced to pray for an elective council, or no council at all; for the legislative council was reformed in 1839; previous to that it consisted of nine members, six of these being functionaries holding situations under the Crown. Now the council consists of twelve members, and of these only three are functionaries, and so far under the influence of the Crown, yet these troubles continue. It was a great mistake, here too, to erect Prince Edward's Island into a separate provincial establishment. The population now is only 47,000; it must then have been very trifling; and, with respect to the qualification, that of the voter is almost universal suffrage, and of the representative property of the value of 35*l.* only! If these squabbles continue, I really would advise my noble Friend, the Secretary of State for the Colonies, to annex Prince Edward's Island to New Brunswick; and I will venture to say, that there will be no more trouble there, though there might be, of course, some objection on account of personal interest, but the subjects of dispute would be speedily settled. Sir, I have advisedly spoken all this, to guard myself against any supposition, in giving this vote, that I have forgotten the lessons which experience and some study taught me, when conducting colonial governments; with these explanations I shall vote for the bill of the noble Lord.

Mr. *V. Smith* said, that when the hon. Member found fault with the constitution of 1832, he ought to recollect that a noble Lord (the Earl of Ripon), a Member of the present Government, was the person responsible for that measure. With regard to the bill before the House, he was ready to admit that difficulties had arisen which the Government could not overlook, but he thought the noble Lord, the Secretary for the Colonies, was to blame in not having brought forward the measure at an earlier period of the Session; and in the absence of sufficient information, and at this late period of the Session, he thought the noble Lord had placed them in great embarrassment in proceeding with the measure. He thought it would have been more satisfactory if the noble Lord had proposed a bill embodying the recommendations contained in Sir John Harvey's first letter. Sir J. Harvey recommended a higher qualification for members of Assembly—a subdivision of the electoral district, and an increase in the number of Members to double the present number. From this last recommendation, however, Sir John Harvey had since seceded, owing to the difficulty of finding a sufficient number of persons qualified to be Members. The other recommendations of Sir J. Harvey were, that the elections should be simultaneous, and that some test should be resorted to with regard to the residence of voters. If, therefore, the noble Lord, the Secretary for the Colonies, had introduced a bill founded upon the recommendations of Sir John Harvey, he would have raised the qualification of Members—he would have made the elections take place simultaneously, and he would have given the best test as to the residence of the electors. In the bill before the House the noble Lord proposed to unite the two branches of the Legislature. It appeared to him that a union of this kind could only be justified in a new state, and agreeing as he did with the hon. and gallant Member for Liverpool that this union should be merely experimental, he did hope that the noble Lord would consent to fix a limit to the duration of this bill. He would not resist the proposal for a united assembly, provided the noble Lord introduced a clause limiting the operation of the bill to four or five years. He could not find anything in Sir John Harvey's dispatch to justify the noble Lord in proposing the alteration in the qualification of voters. On the contrary, Sir John Harvey seemed to consider it unwise to alter the suffrage. The bill proposed to give the initiative of money grants to the crown. To that point he was decidedly favourable, being of opinion that it was absolutely necessary that the Crown should possess such a power. He was also favourable to simultaneous elections. If the noble Lord would confine his bill to these points, he thought, that a great deal would be achieved in the passing of such a measure, but if any alteration was to be made in the electoral franchise, he begged the noble Lord to let it be made by the people of Newfoundland. He thought his noble Friend had acted perfectly right with regard to the suspension of the writs; and he knew, that it was the intention of the noble Lord, the Member for the City of London, to introduce some measure upon this subject. He did not say, that it was the intention of his noble Friend to introduce a measure exactly similar to the present bill, but he certainly intended to introduce a measure to correct the evils complained of. If the hon. and learned Member for the county of Cork should press his motion to a division, he (Mr. Vernon Smith) should feel himself compelled to vote against it; but in the committee, he should be prepared to move the omission of the clause which went to raise the qualification of voters, and to propose a clause to limit the duration of the bill to five years.

Mr. *P. Howard* begged strongly to protest against this bill being pressed forward in a House, which was a House only by courtesy. He saw before him at most some five-and-twenty hon. Gentlemen, and those twenty-five gentlemen were about to pass a law to abrogate the liberties and rights of 100,000 British subjects.

Lord *Stanley* said, that although he was aware he had no right to address the House again upon this question, still he hoped to be allowed to do so for a few moments, in consequence of the suggestions which had been offered to him by the right hon. Gentleman the Member for Northampton, by which he (Lord Stanley) might be able to save the time of the House when it came into committee on this bill. If he had understood the right hon. Gentleman aright, his proposals were these—he was prepared to accede to the amount of qualification for Members of the House of Assembly—to the proposed arrangements with regard to initiative proceedings by the Government with respect to money votes—to the *prima facie* elections, and to the union of Council and Legislative Assembly as a temporary measure. He was sensible of the disadvantage and inconvenience which would arise from the union of those two bodies as a permanent measure, and he adopted it here in this bill on the recommendation of the Governor, and in the hope that the union might settle those differences and dissensions which existed. It was never his (Lord Stanley's) intention to propose this as a permanent measure, for in the bill there was now contained a clause enabling the Crown to re-establish the Legislative Council. These, then, were portions of the measure to which the right hon. Gentleman the Member for Northampton was prepared to accede. [Mr. *O'Connell:* The noble Lord is aware that I am not a party to this.] He was addressing himself to the right hon. Gentleman the Member for Northampton. The right hon. Gentleman objected to this being made a permanent measure, and desired a term of four or five years to be fixed for the continuance of the bill. He objected also to the alteration of the existing franchise, with the exception that he did not object to the extension of the period of residence to two years as a preliminary qualification, as proposed by the Governor. The right hon. and learned Gentleman opposite had a strong objection to the introduction of the freehold qualification, and it was his intention in committee to propose an alteration which would remove the word "freehold," but introduce the words "ownership of lands of the value of 40*s*., or occupier of house of the value of 5*l*." This, he thought, would be an improvement upon the present franchise, and would not diminish the existing number of the constituency. But he did not consider the alteration of the franchise as essential to the working of the measure; and if, by an abandonment of the alteration of the franchise and the adherence to the household franchise he could obtain a more ready acquiescence and sanction to the measure, as evidenced by the observation of the right hon. Gentleman (Mr. V. Smith), he would consent to expunge that clause of the bill which altered the franchise, with the exception of retaining the provision fixing the period of residence at two years previous to the election as a preliminary qualification.

Mr. *Labouchere* said, that undoubtedly the alterations which the noble Lord had just announced were very material, and he agreed with his right hon. Friend (Mr. V. Smith), that for this House to propose to deal with the qualification of the electors of Newfoundland, not only without evidence as to the propriety of the specific changes proposed, but absolutely in direct contradiction to the opinions of the Governor, as found in the papers on the Table of the House, would be a step it was impossible the House could take without a much fuller examination than at present it was possible to make. He was therefore very glad the noble Lord had intimated his intention of abandoning that most objectionable part of the bill. He rejoiced also that the noble Lord had yielded in a point of far more consequence than any of the details of the measure, and that he had assented to the suggestion of his right hon. Friend (Mr. V. Smith), that this bill should not go forth as a permanent constitutional settlement of the affairs of Newfoundland. He (Mr. Labouchere), therefore, now understood this bill to be a temporary measure, intended to meet a temporary state of things, and that at the end of four or five years it would be necessary for the Government again to bring the whole matter under the consideration of the Legislature of this country. This was an important qualification and change in the intentions first announced by her Majesty's Government. He confessed that the bill, as first proposed, appeared to him to be so dangerous and objectionable that he should have offered it every opposition in his power; but at the same time he considered the whole responsibility of it rested upon her Majesty's Government; and he did think the subject ought to have been brought forward at a time and in a manner when a more satisfactory and a fuller deliberation could have been secured for it than was now possible. He regretted also that no opportunity had been afforded to this colony to be heard by its agent on the subject at the Bar of the House. He never remembered any measure of this kind being brought forward without an ample opportunity being afforded to the colony affected, being heard at the Bar. That had been the case with regard to Canada, even when a rebellion had just been suppressed in that province; and the same course had been pursued also in the instance of Jamaica. He, therefore, looking at the magnitude of the principle involved—a principle which took away the constitutional liberties of the colonists—regretted that Newfoundland, though not so considerable a colony as those he had mentioned, had not had an opportunity of being heard. At the same time he felt very strongly the position in which the colony was now placed; that its constitution was partially suspended, and that its affairs were in great confusion; and therefore that it was the duty of the Government to prevent further mischief from accruing from the existing state of things—but still this bill had been left to a late period of the Session; and even after the alteration of the noble Lord contained much that was objectionable. He doubted the propriety of the principle of amalgamating the House of Assembly and the Council, for how could such a body act together? The people of North America were well acquainted with, and fully appreciated all the privileges conferred upon them in the semblance of the British constitution, and they would never willingly consent to its abrogation. His objections to the bill were not altogether removed; he thought they were called upon to legislate upon very meagre information; however, after the concessions which had been made by the noble Lord, and the difficulties said to exist, he could see no useful end to be served by obstructing the further progress of the bill.

Sir *R. Peel* said, so many reflections had been thrown out against his noble Friend, the Secretary for the Colonies, for the delay in proceeding with the measure, that he felt bound to say they were wholly without foundation. The last despatch from Sir John Harvey was dated the 11th of February in the present year, and his noble Friend produced the measure early in May. The delay which had afterwards occurred his noble Friend was not at all responsible for, because he had night after night urged upon his noble Friend, the absolute necessity of postponing its further progress, in order to allow of his proceeding with the important measures, the Corn-law, the Income-tax, and the new tariff—measures which it was absolutely necessary to urge through the House, in consideration of the commercial interests of the country. The present Government had not suspended the constitution in Newfoundland, they found it suspended, he believed, upon good grounds, and all his noble Friend wanted, was a legislative sanction for that which was a mere act of the Crown. The objection to the measure as being of a permanent nature was now obviated—it must again come under the consideration of the House; and, as the clauses for altering the qualification had also been waved, he trusted, that if the opposition were persisted in, the House would, by a large majority, sanction the principle of the bill.

Mr. *Wyse* said, that a great deal of zeal had been shown to exempt the noble Lord from blame for the delay, but when the House was informed, that the bill was not introduced till the 26th of May, that it was not sent to the colony till June 3, and did not reach the colony till the 25th of June, and that the colony had only, from the 25th of June to the middle of July to consider it, they would think that the colony had reason to complain. If it was necessary to protect the noble Lord's character from blame for delay, still the interested in Newfoundland had a right to complain of the haste with which it was now pressed. Was the opinion of the people of Newfoundland known in that House? Was there any one expression of it in any public or private communication? Yet here they were, at the very close of a Session, coming down to suspend a constitution at the mere *ipse dixit* of a colonial secretary, and they called this public justice. He protested, in this stage of the measure, against the mode in which the measure had been brought before the country; he never would consent to any bill disfranchising a colony or even a petty town or an individual, unless the party could be constitutionally heard. The other evening, when he proposod to enlarge the numbers of governors of the Birmingham School, he was met with the cry of vested rights, and he was told, that he was violating a charter of Edward 6th. Yet in Newfoundland they proposed to violate all these rights, and a charter of a very recent date, a charter that had not been tried—they were casting it away, displeased with their own act, like children with a toy. He called for delay, because the precedent would be useful for future legislation. He thought, that the colonies would all have reason to complain, if they found the constitution of one thus changed, and altered, without an opportunity of hearing those who were interested. It was said, that they must legislate, because some legislation was necessary; but had they proved, that the measure was necessary? There were many important clauses to which he objected, but the most important was that amalgamating the two chambers. It was said, that only ten were to be named, and that fifteen were to be elected, but if the Government could command, as he understood they would, five of the elected, they would always have fifteen voting with them; and he confessed, that he would rather have the constitution wholly suspended, than have such a constitution inflicted on the people. It might be very well to say, that it would last only four years, but in four years the one chamber might wholly change the laws, and establish such an ascendancy that it could not be got rid of.

The House divided on the question, that the word proposed to be left out stand part of the question:—Ayes 68; Noes 13: Majority 55.

List of the AYES.

Allix, J. P.
Arbuthnott, hon. H.
Arkwright, G.
Baird, W.
Baring, hon. W. B.
Blackburne, J. I.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Clerk, Sir G.
Collett, W. R.
Corry, rt. hon. H.
Cresswell, B.
Cripps, W.
Damer, hon. Col.
Darby, G.

Douglas, Sir H.
Douglas, Sir C. E.
Eliot, Lord
Escott, B.
Flower, Sir J.
Forbes, W.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Gore, M.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grant, Sir A. C.
Greene, T.
Hamilton, Lord C.
Harcourt, G. G.
Hardinge, rt. hn. Sir H.
Hardy, J.
Hawes, B.
Henley, J. W.
Hodgson, R.
Hope, hon. C.
Jermyn, Earl
Jones, Capt.
Knatchbull, rt. h. Sir E.
Labouchere, rt. hn. H.
Lincoln, Earl of
Lyall, G.
Meynell, Capt.
Mundy, E. M.
Pakington, J. S.
Peel, rt. hon. Sir R.
Peel, J.
Polhill, F.
Pollock, Sir F.
Praed, W. T.
Pringle, A.
Repton, G. W. J.
Sandon, Visct.
Scott, hon. F.
Smith, A.
Smith, rt. hon. R. V.
Stanley, Lord
Stewart, J.
Sutton, hon. H. M.
Taylor, T. E.
Trench, Sir F. W.
Trollope, Sir J.
Vivian, J. E.
Williams, T. P.
Young, J.

TELLERS.

Fremantle, Sir T.
Baring, H. B.

List of the NOES.

Aldam, W.
Bowring, Dr.
Brotherton, J.
Duncan, G.
Gore, hon. R.
Howard, P. H.
Hume, J.
Scott, R.
Tancred, H. W.
Turner, E.
Wall, C. B.
Williams, W.
Yorke, H. R.

TELLERS.

Wyse, T.
O'Connell, D.

On the main question being again put, that the Speaker do now leave the Chair,

Mr. *O'Connell* said, he thought, that at least, the bill might have been brought in in March, to have given an opportunity to ascertain the sentiments of the people of Newfoundland, and to have heard them by their counsel at the Bar of the House, to urge their reasons against it. He confessed, that he had been without information. It was only on Saturday, whilst the bill was under discussion, that he had heard of the existence of documents which were necessary for its discussion. He would just call the attention of the House to the manner in which the people of Newfoundland had been treated, not only by the noble Lord opposite, but by the noble Lord, the Member for the City of London. He was accordingly assailed by one party, and deserted by the other, and it was natural, that he should be so. Whatever was, in point of fact, the cause of the delay, the people of Newfoundland had not been heard. The hon. Gentleman, the Member for Droitwich (Mr. Pakington), had presented petitions containing scandalous and flagitious charges against, among others, the Catholic clergy, and the Liberal party generally, both Protestant and Catholic, in Newfoundland. The hon. Member then either gave notice of a motion, or asked a question across the House, of the noble Lord, the Member for London, and the noble Lord assented to the appointment of a committee. His first complaint was, that when the committee was appointed, the witnesses for the petition were in town ready to be examined, and the people of Newfoundland did not hear of that committee till it had closed its sittings. The hon. Member complained because he had called this a one-sided inquiry. Was it not as much one-sided when the people were excluded from being heard, as if they had been excluded by a resolution of the committee? The inhabitants of Newfoundland heard of the hon. Member's petitions, though they did not hear of the committee, and accordingly they sent over two petitions, one of which was presented by himself, and the other by the hon. Member for Montrose, complaining of the foul and false calumnies uttered against the clergy, declaring, that there was not one word of truth in those charges, and that wherever there was a fact it had been greatly distorted, and they prayed for a commission to inquire upon the spot, and to investigate the facts. That was not done, but that which was most gross was permitted. The committee sat where the inhabitants could not be heard. As soon as they learned that this committee was sitting, four members were selected from the House of Assembly to come to England. It was the last day of their sitting; they started for England without delay, but when they reached this country, Parliament was dissolved. So far from shrinking from inquiry, they came to court it. They were now legislating against men who did not shrink from inquiry. The delegates from the Assembly were received by Lord John Russell, who invited them to put their communications to Government into writing. His next complaint was, that three or four important communications were thereupon made, and the noble Lord had not laid them upon the Table of the House. He himself had not heard of them till Saturday, when the House was debating the bill. After this he was not surprised at the small attendance that night, and of the parade of a compromise. Conduct more indefensible than that of the late Government in this respect he had never known, always excepting the conduct of the noble Lord opposite. The delegates obtained a promise from Lord John Russell, communicated through Mr. Vernon Smith, that no proceedings should be mooted in Parliament till there was an opportunity for defence given to the colony, and it was distinctly promised that if the House should proceed further, the Secretary of State would give the delegates due notice of it. Would it not be mere equivocation to say, that there should be no new committee unless they heard of it, and then proceed to legislation without their knowledge? By every rule of English justice, if fair play was a part of the English character, nothing could have more completely violated that promise than these proceedings. These steps were taken in violation of the meaning of that pledge, and all because of the petitions presented by the hon. Member for Droitwich, which contained charges which had been made thirty-three times over against the Catholic clergy of Ireland, and which were wholly erroneous. It did create a sensibility in the Catholics to hear these charges made, for they knew the things charged to be impossible. If a Catholic clergyman refused to administer the sacrament for political reasons, he would not remain a clergyman. Yet the foul and filthy language in these petitions against the Irish Catholic clergy had been adopted in the petitions from Newfoundland. The hon. and learned Gentleman proceeded to remark upon the conduct of the Government in 1838, in reference to the election of Members of the House of Assembly. The election took place, but the governor of the colony by a trick and a subterfuge rendered the election void, upon the suggestion that the writs on which it had taken place were not sealed. The next step was to send in three persons to the Assembly, who were unfit to become Members of it; one could not read, the other two were in the situation of clerks. But now the governor turned round and said, " See what is the constitution of this Assembly; there must be some alteration in a constitution which permits such things as this to take place." Such was the conduct of the governor, and after such conduct the present bill was brought in. He complained, therefore, that these people were to be punished without being heard. He said, that there was no necessity for any alteration to be made. A new election were about to take place. Let it be carried through. In reference to the case of Jamaica when that was discussed, the same suggestion was made, and in spite of the hon. Gentlemen who then held the reins of Government, it was carried. Jamaica had had another trial, and was now going on well under its old constitution. The people of Newfoundland, in like manner, should have another trial, if they made a bad use of this new opportunity, let them have no more. He would make only one observation upon the subject of the introduction of religion into this discussion — upon the reference to Catholic or Protestant. He had not introduced it until it was forced upon him; it was in the despatches of the noble Lord himself, and he could not but allude to it. The present bill, as regarded its provision for the franchise, he maintained was calculated to give satisfaction to the people of this colony. They were unwilling to submit to the provisions which it contained. Sir John Harvey, in his despatches, described the colony as improving daily in its position, as flourishing in its commerce, and as being firm in its loyalty to the Crown. This was its condition under its present constitution, and yet this was the constitution which was sought to be destroyed. He entreated the House to remember that this bill had been delayed. It might have been on the Table of the House in March; nay, in February there had been no difficulties interposed in the way of the noble Lord,—no factious opposition, and yet, without any opportunity being afforded to the colonists to make known their case, it was attempted to be forced on at a time when the real feeling of the House could not be ascertained. The right hon. Baronet talked of the sense of the House. Could anything be more cruel than to drive the opponents of this measure into committee in such a House as that? Was it not idle to talk of their showing the sense of the House? Might it not rather be called the sense of the benches? Were not the benches the rule, hon. Members the exception. He could not, therefore, recognise any decision of that House as at present constituted, and he must state that he believed it to be his duty, under these circumstances, to oppose this measure upon every stage.

Mr. *Pakington*, having already addressed the House on this question, would only trespass further to say a few words in reference to what had fallen from the hon. and learned Gentleman who had just sat down. The ground on which he had moved for the committee of last year was not upon any statement contained in the petitions presented to that House, but the dispatches of the Governor of the colony. Neither was the bill now before the House founded on those petitions but he looked upon it that the transactions which had recently occurred in the colony itself, were fully sufficient to justify its introduction. With regard to the introduction into the discussion of any questions of religion, he begged to say that the charge had been brought forward by hon. Gentlemen opposite, that the Government had persecuted the Roman Catholics. He had come down to the House prepared to show, that any persecution which had occurred against Catholics, had been by members of their own body. The hon. and learned Member disputed the truth of the allegations contained in the petitions. He had heard of similar passages in the history of the counties of Carlow and of Cork, and he had heard that every one of the allegations was capable of proof.

Mr. *O'Connell:* There were exactly the same allegations made in reference to Carlow and Cork, but not a single witness had ever been produced to prove them, though every opportunity had been afforded.

Mr. *P. Howard* rose to state those reasons which appeared to dictate the necessity of delaying the consideration of the proposition now before the House to another Session, and until such time as it were possible to collect the opinions of those in the colony, who were most interested in its determination. In the case of Jamaica, although that assembly had all but abdicated its legislative functions, the House heard counsel; and were the Government, who had been frequently taxed with political plagiarism, about to follow the most unhappy of precedents that could have been selected, and imitate their predecessors in a course of proceeding which had been the ultimate cause of their downfall? Would they not then, as in the case of Canada, also consent to hear counsel at the Bar? Canada, on the verge of rebellion, had that grace conferred. An eminent modern writer had asked, and truly stated, this question,*

> "What is the true principle of colonial government? What should be the leading principle of such a government is no longer a matter of doubt; it was announced 1,800 years ago, as the rule of all intercourse between man and man; and subsequent experience has only tended to prove its universal application. It is simply to do as we would be done by. Consider the colonies as distant provinces of the empire; regard them in the same light as Yorkshire or Middlesex; treat them accordingly, and it will be long ere they will seek to throw off the British connection. Legislate for them as you would wish they should legislate for you, as if Quebec or Calcutta were the seat of central government, and Great Britain and Ireland the remote dependencies. * * It was the neglect of the first principles, so easy to see, so hard to practise, which lost the British the United States in the North, and the Spaniards the whole of South America."

These, Sir, are words of wisdom, and now for their application. If this were a case affecting Yorkshire or Middlesex, would you thus precipitately suspend the constitution? and will you act with less caution and generosity of feeling when the interests of an unprotected colony is concerned? He would feign hope not. In Lord Goderich's instructions to the Governor, Sir Thomas Cochrane, he plainly pointed out that some difficulties might attend the first working of the constitution, but the vast practical benefits which had flowed from the measure justified the confidence reposed by the present President of the Council, then Colonial Secretary, in the people of Newfoundland. Under the fostering care of the local Legislature, 1,000 miles of road had been opened, lighthouses had been erected, and the vindication and guardianship of the law had been secured by the erection of prisons. Smiling and verdant farms showed forth the triumphs of cultivation in those districts where, four or five years before, it was a barren waste. It is true that some culpable degree of violence had marked—and where had it not?—the contested elections; but should these be sufficient to obliterate the recollection of great services to the State, or be deemed a real plea for change? The great foe of this country Napoleon, had said, "that her colonies were the wings which had enabled this country to soar to greatness," and would they place in peril that greatness, by poisoning in its source the fountain of loyalty, by instilling suspicion, and so spreading discontent throughout British America? To the accuracy of the parallel between New South Wales and the colony which then engaged their attention, as drawn by the noble Secretary for the Colonies, he could not assent. In New South Wales, the wages of labour were exceedingly high, whilst, in Newfoundland, house rents were cheaper, payments were mostly in kind, and the population, very primitive in habits, dwelt in families. The colony had not been acquired by conquest; the birthright of English law was theirs, and he (Mr. Howard) trusted that the great charter of the liberties of the island, so recently granted, would not now be abrogated, against the declared wish of the inhabitants.

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* *History of the Revolution*, Allison, vol. x, p. 767.

Mr. *Hume* had hoped that the observations of the right hon. and learned Gentleman would have had some effect on the Government who were about to commit political robbery. He congratulated himself on having voted against a similar proposition with regard to Jamaica on a former occasion, though he had been the means of thereby turning out the then Government. He complained of the noble Lord (Lord J. Russell) for not having acted with fair dealing towards the inhabitants of the colony, and giving them an opportunity of meeting the allegations against them. In October, 1840, a pledge had been given to the delegates from the island that the constitution of the island should not be interfered with without notice being given to the delegates; and the ink was scarcely dry before the noble Lord (Lord J. Russell) had broken the pledge. Would the noble Lord (Lord Stanley) say whether he had not an intention, in December last, to change the constitution, and had he not endeavoured to carry out the objects of the late Government without any notice being given to the people of Newfoundland? Such an instance of want of good faith had never taken place before in the British Parliament, and he hoped never would again. When this intelligence had been received in Newfoundland contrary to the pledge given to their delegates, it had excited astonishment among the people. What were the disturbances for which the noble Lord was now going to take away the privileges of the people of Newfoundland?—disturbances which the English House of Commons would have risen against. The House of Assembly of Newfoundland was impugned for maintaining its privileges. If a person out of the House here had assaulted an hon. Member for words used in his place in Parliament, and when called to the Bar had, instead of apologizing, called the same hon. Member a liar and a coward, what would have been the conduct of the right hon. Gentleman in the Chair? He would have taken care that due punishment was awarded to the offender; and that was the course that had been pursued by the House of Assembly, and it was on this ground that it had been so violently assailed. He said such conduct was a ground for respect. The House of Assembly knew their privileges, and they were determined to maintain them—and for this they were to be attacked with every species of obloquy! This ground of attack had therefore altogether failed. Now as to the question of the constitution not having worked well. The fact was, the constitution gave the settlers, who had previously been oppressed by the mercantile party, the means of asserting their independence, and they had asserted it and redeemed themselves from the slavery—for slavery it was—under which they had been held by the latter party, from whom consequently all these complaints had proceeded. When Sir J. Harvey first landed there was not a school in the island. Since the constitution had been granted sixteen schools had been established; but, strange to say, subsequently to the letter which had been quoted by his hon. and learned Friend, the Government had withdrawn their support from these schools, which were now, as he gathered, supported by the Roman Catholics alone. The effect, therefore, of the present measure was to throw the people into the hands of their old oppressors, and to check the improvements which had sprung up since the granting of the charter. There was no ground for saying that the constitution had not worked well. As far as education was concerned—as far as agriculture was concerned—as far as every improvement calculated to give rise to human happiness and prosperity went, the constitution had worked well. He defied the right hon. Baronet at the head of the Government to present any one portion of the population of this country which was so pure, so virtuous, so worthy of having continued to them their just rights, as the people of Newfoundland. He was prepared to prove before a committee of the House that there was no portion of truth in the charges which had been brought forward on the score of the insubordination of the people, and the difficulty of administering justice among them, any more than in the other charges. He could only oppose his vote to the majority of the House; they might carry the bill and commit a robbery, and so might a highwayman. All he asked was that the people should he heard at the Bar in their own defence before they were found guilty of the charges that had been alleged. A pledge had been given, and that pledge had been broken; and to allow legislation of this kind to pass under such circumstances, with empty Benches on both sides of the House, would, in his opinion, be a disgrace to the House of Commons. They ought not to proceed to disfranchise a colony of such importance as Newfoundland without having previously before them all the papers and despatches that had passed during the administration of the late Government. They ought also to hear the parties at the Bar. If after having taken that course it was found that the business of the colony could not go on without an act of this kind—an act which he considered to be an act of violence, unless justified by absolute necessity—he (Mr. Hume) would not offer any further opposition to the bill.

The House divided on the question that the Speaker do now leave the Chair:—Ayes, 82; Noes, 21: Majority, 61.

List of the AYES.

A'Court, Capt.
Allix, J. P.
Arbuthnott, Hon. H.
Arkwright, G.
Baird, W.
Baring, hon. W. B.
Bateson, R.
Bentinck, Lord G.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Broadley, H.
Bruce, Lord E.
Buller Sir J. Y.
Burrell, Sir C. M.
Clerk, Sir G.
Cockburn, rt.hn.Sir G.
Colvile, C. R.
Cripps, W.
Damer, hon. Col.
Darby, G.
Douglas, Sir H.
Douglas. Sir C. E.
Eliot, Lord
Escott, B.
Flower, Sir J.
Ffolliott, J.
Forester, hn. G. C. W.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt.hn.W.E.
Gordon, hon. Capt.
Gore, M.
Gore, W. R. O.
Graham, rt. hn. Sir J.
Grant, Sir A. C.
Greene, T.
Grogan, E.
Harcourt, G. G.
Hardinge, rt.hn.Sir H.
Hardy, J.
Henley, J. W.
Herbert, hon. S.
Hervey, Lord A.
Hodgson, R.
Hope, hon. C.
Inglis, Sir R. H.
Jermyn, Earl
Jones, Capt.
Knatchbull, rt.hn.Sir E.
Lefroy, A.
Leicester, Earl of
Lincoln, Earl of
Lockhart, W.
Lyall, G.
Lygon, hon. Gen.
Maclean, D.
Masterman, J.
Meynell, Capt.
Mundy, E. M.
Nicholl, right hon. J.
Pakington, J. S.
Peel, right hon. Sir R.
Peel, J.
Polhill, F.
Pollock, Sir F.
Praed, W. T.
Repton, G. W. J.
Round, J.
Sanderson, R.
Scott, hon. F.
Sheppard, T.
Smith, A.
Stanley, Lord
Stewart, J.
Stuart, H.
Sutton, hon. H. M.
Thompson, Ald.
Trench, Sir F. W.
Trollope, Sir J.
Verner, Col.
Young, J.

TELLERS.

Fremantle, Sir T.
Pringle, A.

List of the NOES.

Bowring, Dr.
Brotherton, J.
Bryan, G.
Duncan, G.
Gore, hon. R.
Heathcoat, J.
Hollond, R.
Howard, P. H.
Langston, W. G.
Martin, J.
Morris, D.
O'Brien, J.
Plumridge, Capt.
Scott, R.
Tancred, H. W.
Villiers, hon. C.
Wall, C. B.
Ward, H. G.
Williams, W.
Wyse, T.
Yorke, H. R.

TELLERS.

Hume, J.
O'Connell, D.

House in committee.

On clause 1 being proposed,

On a part of the clause empowering her Majesty to raise the qualifications of members of the Assembly having been read,

Mr. *O'Connell* regretted that the House should be called on to decide the question of qualification without more information than they at present possessed. The existing qualification had been granted by the Government several years ago, after mature deliberation, and the noble Lord had neither proved that it was unfit nor that the qualification which he proposed in this bill was a better one. He (Mr. O'Connell) should propose, in the first place, that after the words "no such qualification shall be fixed at more than a net annual income," there be inserted these words, "arising from any source whatsoever; and in the next, that the blank be filled up with "50*l.*" instead of "100*l.*," as proposed by the noble Lord.

First amendment agreed to.

The committee divided on the question that the blank be filled up with 100*l.*:—Ayes 78; Noes 13: Majority 65.

List of the NOES.

Bowring, Dr.
Brotherton, J.
Bryan, G.
Duncan, G.
Gore, hon. R.
Howard, P. H.
Hume, J.
Morris, D.
O'Brien J.
Philips, M.
Williams, W.
Wilshere, W.
Wood, B.

TELLERS.
O'Connell, D.
Wyse, R.

Blank filled up with 100*l.*

Mr. *O'Connell* objected to the words "clear of all incumbrances." He could not see how fishing-grounds, or fishing speculations, could be burdened with incumbrances.

The committee divided on the question that these words stand part of the clause —Ayes 76; Noes 14: Majority 62.

On the question that the blank in the latter part of the clause be filled up with the words "Five hundred pounds:"

Mr. O'Connell moved that the blank be filled with two hundred and fifty pounds.

The committee divided on the question that the blank be filled with five hundred pounds: — Ayes 75; Noes 12: Majority 63.

On the question that the clause stand part of the bill, the committee divided— Ayes 76; Noes 13; Majority 63.

List of the NOES.

Bowring, Dr.
Brotherton, J.
Browne, hon. W.
Duncan G.
Forster, M.
Gore, hon. R.
Howard, P. H.
Hume, J.
Morris, D.
O'Brien, J.
Philips, M.
Williams, W.
Wood, B.

TELLERS.
O'Connell, D.
Wyse, T.

[It is thought unnecessary to insert the names on every division, but we retain the names of thirteen who voted throughout and in the minority.]

Clauses, to the 5th inclusive, agreed to.

House resumed.

The Chairman reported progress. Committee to sit again.

House adjourned at one o'clock.

HOUSE OF LORDS,

Thursday, August 4, 1842.

MINUTES.] BILLS. *Public.*—$1^{o\cdot}$ Designs Copyright; Slavery (East Indies); Tobacco Regulations; Slave Trade Suppression; Militia Pay.

$2^{a\cdot}$ Dublin Boundaries; Four Courts Marshalsea (Dublin).

Committed.—St. Asaph and Bangor Preferments.

Committed and Reported.—Slave Trade Suppression Act Suspension.

Reported.—Limitation of Actions (Ireland); Rivers (Ireland); Parish Constables; Colonial Passengers.

$3^{a\cdot}$ and passed:—Stamp Duties Assimilation; Fisheries (Ireland); Ordnance Services; Court of Exchequer (England); Bonded Corn; Western Australia.

PETITIONS PRESENTED. By Lord Beaumont, from the Rajah of Sattara, for Inquiry and Redress.—From Inhabitants of Goswell Street, in favour of the Buildings Regulation Bill, and against burying the Dead in Populous Districts.

THE RAJAH OF SATTARA.] Lord *Beaumont* held in his hand a petition from a native Indian prince, who, whatever might have been his errors, deserved commisseration for his misfortunes. This prince was the head of the Mahratta dynasty, and the lineal descendant of its eminent founder. The Prince complained that he had been dethroned, deprived of his personal property and sent an exile to Benares, on charges which had not been proved, and which had no foundation in fact. Amongst other absurd allegations against him was, that of an intention of bringing up 30,000 Portuguese troops from Goa, for the purpose of overthrowing British power in India. These and other charges he strongly denied, and complained that he had undergone a sort of trial by British commissioners, but that he had been present at only a part of the proceedings, that he had no person to defend him, that he had been required to sign a document which would be an admission of his guilt, but that rather than do so, he would forfeit his throne, and that he had been dethroned and replaced by his brother. He prayed that his case might be revised, and such relief given as their Lordships might deem fit. He did not mean to say that the Governor-general of India, or the Governor of Bombay, were to blame for sanctioning this deposition, because he believed the whole of the documents connected with the case were not yet printed, but, judging only from those papers which had been published, he should say that the case of the Rajah was one of great hardship, and he hoped it would undergo revision.

Lord *Fitzgerald* said, that if the present occasion were the first on which this case of the Rajah came under public notice he might feel it necessary to enter into some explanation of its merits; but the case having been considered and reconsidered elsewhere, and being about to be submitted for revision in the other House of Parliament that evening, he did not feel called upon to go into any detail about it. Whether the explanation which had been given elsewhere was sufficient he would not say; but when the proceedings against the Rajah had been sanctioned by the Governor-general of India in Council, the Governor of Bombay, the Court of Directors, the Court of Proprietors, and the Board of Control, he did not think that it ought to be again gone into now. He would only say, that any one who had carefully read over the papers must feel satisfied that the Rajah's conduct was such as to call for active measures against him; and when he recollected that those measures were commenced under the Government of the late Sir R. Grant, as Governor of Bombay, he thought it was enough to give a guarantee that they were only such as the case called for. He did not feel it necessary to enter further into the matter on the presentation of a petition.

Lord *Beaumont* said, that if a more satisfactory explanation were not given, he should feel it his duty to submit a motion on the subject, of which he would give due notice.

Lord *Brougham* said, that his right hon. Friend, the late Sir R. Grant was dead before the deposition of the Rajah took place, but he believed that had his right hon. Friend lived, the act of deposition would have met his sanction.

Petition laid on the Table.

REPEAL OF THE CORN LAWS.] The Earl of *Radnor*, in moving the second reading of the Corn Importation Act Repeal Bill said,* that if he had not felt that the measure he now proposed was most urgent, and indeed absolutely necessary for the well-being of the country, he should not have troubled their Lordships on the subject. He knew that this bill related to a topic disagreeable to them, and the consideration of which they invariably wished to avoid; and as it always was irksome to him to address their Lordships, it was particularly so on the present occasion. But the settlement of the corn question, once for all, on a permanent footing, was an object of such deep interest to all the working classes, now in a state of the greatest distress and destitution, and of such vital importance to every class of the community, so necessary, in his opinion, for the prosperity of the State, that he could not refrain from making this effort, at least, to accomplish so desirable an object: a sense of duty alone compelled him to do so. The change he proposed in the bill, the second reading of which he should now move, would, in his opinion, be desirable at any time; but at the present moment was particularly called for, not only by the sufferings of the people, but in consideration of the patience and good humour with which they have now for five years borne their privations. Indeed, their conduct was beyond all praise; as also their privations were, he believed, far beyond what their Lordships supposed or he could describe. This change, moreover, was eagerly desired by thousands, he might say by hundreds of thousands of the people, who had petitioned the other House of Parliament to that effect; and would, he had no doubt, afford immediate relief to a considerable extent. The bill now under consideration went to the extent of an entire repeal of all duties on the importation of corn. The first clause repealed the act passed in the present Session; but, as by the repeal of that act only, the act of the 9th of George 4th, which the act of the present Session repealed, would revive, the second clause repealed so much of that act as imposed duties on the importation of corn. Other parts of that act were left unrepealed; such as those which repealed the former acts creating duties on the importation of corn, and those which required the taking of averages, which it was necessary to continue for divers reasons, especially for carrying into effect the act for the commutation of tithe. The consequence, therefore, of this bill, if it became a law, would be, that the trade in corn would thenceforth be perfectly free. It might be said, that if this were done there would be an immediate and no inconsiderable loss to the revenue. It is probable that a large quantity of corn now in bond, if no alteration took place in the law, will be soon admitted; the wheat (of which there are, he understood, above 1,500,000 qrs.) at 8*s*., and other corn at their respective duties; and that, if this bill passed, the 800,000*l*. or 1,000,000*l*. (whatever it might be) would be lost to the public: if that were so, he for one would say, that the advantages of a free-trade, and the immediate relief which would be afforded, would be cheaply bought at that or even a larger price. But he did not think that the whole of the duty would be lost. If their Lordships were to give a second reading to this bill that night, the effect would be, that all holders of home-grown corn, and of corn which had already paid the duty, would hasten into the market, in the hope of anticipating the decline which the passing of the act would be expected to occasion. This would produce a fall in the prices, and as the necessary effect of a fall of the price would, under the present case, be a rise of duty, it would become a matter of calculation, whether it would not be more advantageous to secure the present price and pay the present duty than to await the latter, when the duty would be *nil*, but the price so low that the present duty would amount to less than the difference between that price and the present. In all probability, however, some part of the duty would be lost, but not the whole; and he repeated, that he would willingly give up the whole for the advantage of a free-trade. The immediate effect of this free-trade would be, to give a stimulus to the home market, and in all probability to revive commerce with foreign countries. With respect to the home trade, he knew that many persons would argue that, if the price of corn was lowered, the means of purchasers, holders of land, would be so much impaired, that in truth it would be injured. He believed that this was altogether contrary to the fact. If their Lordships would only consider what large payments were required for the purchase of necessary corn, they would at once see how large a sum would be retained, by lowering the price of corn, to be applied to the purchase of other articles. For instance, the average price of wheat in 1835 was 39*s.* 4*d.*; in 1840, 66*s.* 4*d.*; a difference of 27*s.* per qr. Now, stating the population of Great Britain at 18,000,000 of people, and assuming, which is the usual calculation, that the consumption of the people, one with another, is one qr. per person, the excess of the sum paid for necessary corn in 1840, over what was paid in 1835, would be no less a sum than 24,300,000*l.* Again, the price in 1841 was 64*s.* 4*d.*; 25*s.* per qr. higher than in 1835 : in this year the excess of price paid over the former year would be 22,500,000*l.* So that in these two years there must have been paid 46,800,000*l.* more for the purchase of necessary food, than would have been required if the price had continued as it was in 1835; and all this money would have been expended in the purchase of other articles, some of necessity (but of a necessity less imperious than that of food,) some of use or luxury, and thus would have increased the general fund for the employment of labour. This view of the case was very much strenghened by the evidence given by many of the witnesses examined before the Import Duties Committee in 1840. To take only one: Mr. J. Whetstone, of Leicester, for twenty years engaged in the worsted trade, says,

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* From a corrected Report.

"The persons who send their travellers through the agricultural districts, complain that the demand has fallen off as much in the purely agricultural districts, as it has in the manufacturing. I ought to say, that the manufacture of woollen and worsted stockings is almost entirely dependent for its demand upon the well-doing and well-being of the working and industrious population of the country; it is not an article of luxury supplied to the higher, but an article of necessity to the working and middle classes."

He was then asked—

To what do you ascribe the diminished demand for the goods?"

He answers—

"To the high price of provisions, which has diminished the means of the labourers to purchase; because, if his food takes a larger proportion of his wages, it leaves him less to lay out in clothing, and furniture, and other articles."

And in reply to another question—

"It is an invariable rule in our trade, that when provisions are cheap, we have a good demand : it is a rule observed constantly by the manufacturers, and established as a maxim in the trade."

Their Lordships will observe, that the article, about which Mr. Whetstone was speaking, was one of necessity, only less urgent than food—worsted stockings supplied to the working and middle classes; and they can hardly doubt, that if the price of food so materially affected the sale of such an article, others of less pressing demand would be still more affected. He thought, therefore, that he had clearly established, that any measure which would have the effect of lowering the price of wheat, would prove a stimulus to the home market. Equally benefited would foreign trade be by opening our ports to foreign corn. On a previous occasion, he had read to their Lordships an extract from a speech of Mr. Canning's, in 1826, which showed how, in that time of distress (a distress of the same nature as the present, but infinitely less in intensity), the bare mention of an intention on the part of the Government to propose a measure, merely for releasing a quantity of corn from bond had an instantaneous effect in giving life to trade; and it must be obvious, that the cheapening of the articles we manufacture and export, must increase that export; nor is it, he conceived, less obvious, that the allowing the importation of an additional article, must extend the exportation of those articles which we have to spare; especially when that one article is, in fact, the only thing those, who wish for our manufactured goods, have to give in exchange, as is the case, at the present time, with America. On this point, however, he was at a loss to know whether he should be met with an argument which, heretofore, he had heard often urged in that House—namely, that the importation of corn was objectionable, inasmuch as it made us dependent on other countries. This argument of the necessity of being independent of other countries had been particularly insisted on by the noble Duke opposite, and another noble Lord of great authority, now absent, had laid down as an axiom, that every great country should grow corn enough for its own people; whether this argument was to be insisted on now, he knew not. The other day, when the noble Earl (the Earl of Ripon) moved the second reading of the present act for regulating the importation of corn, he appeared to admit fully, that we did not habitually and uniformly raise a sufficient quantity for our own people, and calculated the annual average deficiency at 1,000,000 qrs. At the same time, the noble Earl took great trouble, in another part of his speech, to prove, that there was no country from which we could be sure of having this constant supply. Now, what is the fact? Is this country independent of the foreigner? On a former occasion, he (Lord Radnor) detailed to their Lordships how this country had grahually changed from an exporting to an importing country. For a great part of the last century, this country exported largely. It was the policy adopted very foolishly, as he thought, to encourage exportation; and several millions of money, he believed, had been paid in bounties for that purpose; all money raised by taxes on the people to enhance the price of their own food: but about the middle of the century, their exports fell off, and from the year 1790, up to the present time, there have been only two years in which the imports have not exceeded the exports. It is curious to observe, too, how those imports have gradually increased:—

> "In ten years ending 1780, the excess of imports was 286,837 qrs.; in the next ten years, the excess was 645,311 qrs.; in the ten years ending 1800, it was 4,293,938 qrs.; in the ten years ending 1810, it was 5,996,350 qrs.; in the ten years ending 1820, it was 6,040,944 qrs.; in the ten years ending 1830, it was 9,413,459 qrs.; and in the ten years ending 1840, it was 14,953,408 qrs.".

Thus he found, that in the last of these ten years the average annual excess of imports above exports, was 1,495,340 qrs.; if the following year, 1841, be added, the average would be found to be 1,622,382 qrs. Again, taking the whole time during which the act of the 9th of Geo. 4th (the act repealed the other day) was in operation—that is, from 1829 to 1841—the annual average excess of imports above exports was 1,702,293 qrs. If the last five years only be taken, it would be found to be 2,193,254; and for the last three years, 2,800,140 qrs. So that, in fact, we may talk as long as we please of being independent; dependent we are, and with our increasing population are likely to remain so. If, then, we cannot supply ourselves, but must have recourse to foreign countries, what is the thing most to be desired? Is it not that the supply should be co-extensive with the demand, cotemporaneous with the want, and procured as cheaply as possible? With respect to cheapness, where is the individual buyer who does not seek to purchase as cheaply as possible? And why should it be otherwise with a community? Now, these objects are attempted to be attained by the sliding-scale. Let us consider how it acts. He admitted, that the sliding-scale was a very ingenious device. It was said, that the price would exhibit both the extent of the demand, and the time when the supply would be required; and that the duty falling in proportion as the call was urgent, the supply would always be commensurate with it. It might have been thought that the fallacy of this ingenious device would not have been detected, till experience had demonstrated its failure; but one person did detect it and announce it. Mr. Baring pronounced that it would fail of its object, that it would give protection when none was wanted, and would afford none when it was required. In truth, this scale, in order to effect its object, presupposes two things, neither of which exists; the first, that there is somewhere a constant store of corn ready to be poured into our market, and to supply our wants whenever they arise; and the second, that the corn, as soon as it arrives, whatever the state of the market, or the prospect of a rise or fall of price, will be sold. That the last particular does not occur is sufficiently apparent; persons speculating, naturally, and not improperly, speculating on a rise, withhold the corn when it is most wanted, when the market is rising; and again, when it is falling, and there is already at home an abundant supply, from fear of loss, pour it into an over-supplied and falling market; thus injuring both consumer in the first place, and producer in the second. And with respect to the price, does this ingenious contrivance answer better? Quite the reverse. It begins by proclaiming that we mean to supply ourselves; that we think we can grow enough for our own consumption, and that we will not be regular and habitual importers of corn. This it does by enacting duties so high as to be prohibitory, and are meant to be so. What is the effect of this, but to discourage the growth of foreign corn for our supply? It renders—the effect and indeed the object of it are to render—our market an uncertain one. If we had a fixed duty, still better if we had no duty at all, it might, and it certainly would, be to the interest of other countries, where corn can be raised in abundance and cheaply, to raise it for the purpose of supplying us: but, uncertain as our market is, however high the price we occasionally give, is it not the interest of any party regularly to raise corn for us. The consequence is, that less is raised, and, the supply being smaller, the price must necessarily be higher; besides which the whole trade assumes a gambling character. At times, high, exorbitantly high, prices are given; at other times, nothing will be bought; and the whole becomes a matter of chance and uncertainty, always greatly to the pecuniary disadvantage of the purchaser, and oftentimes to the great inconvenience of the vender: for it is to be observed, that when our necessities occur we go into the market with so a large a demand, and prepared to give such high prices, that corn is sold which cannot be spared without inconvenience to the country from which we export it. Of course, the man who has corn in hand cares not whether he sells it to the English merchant or to the native consumer; he sells it to him who can give, and is willing to give, the highest price: and thus our demand raises the price throughout the continent, and all the consumers there are inconvenienced. It has been often stated in this House, that the variations of price ought not to be attributed to the Corn-laws, for on the continent, and where there are no such laws, the variations are as great, and indeed greater; and a printed paper of the House of Commons, moved for two or three years ago by Sir C. Lemon, is appealed to as a proof of this. But these variations being in the countries within the range of our demand, are clearly affected by it. There is a statement made before the committee on agricultural distress, of the House of Commons, in 1836, which strongly illustrates this. A question was put to Lord Ashburton respecting the effect of the movement of troops on the price of corn in the continental markets, and in his answer he says:—

> "If the French, or Russian, or German troops are put in motion, the first thing they do is to go to Dantzick and the different corn-markets on the Baltic, and lay in their supplies; the consequence of which is, that the prices advance in these great markets, and are followed by them in the smaller ones."

And if the price is thus affected in all the continental markets by the movement of a few thousand men, how much more must it be by the demand of a country inhabited by eighteen or twenty millions of people, and which has such ample means of paying high prices? The sliding-scale, therefore, not only raises the price on us the purchasers, but it tends directly to raise the price in all other countries, and that by fits and starts, and in the most inconvenient manner. None of these evils could attend a fixed duty, and still less a free-trade. Indeed, those of their Lordships who are friendly to a fixed duty, might, he thought, with perfect consistency vote for this bill, though it repeals all duties. No fixed duty could be imposed here; but, if this bill was passed by their Lordships and sent to the Commons, if that House chose to insert clauses imposing a fixed duty, it might, subsequently, with that alteration, be received by this House. He, for one, would oppose such a clause; but other Lords might agree to it. Another grievous effect of the sliding-scale is this: that preventing, as it does, a regular trade, but, as has been shown, not preventing sudden and very extensive demands for supply, that supply cannot be paid for, as it would in the regular way of trade, by manufactured articles; but it must be paid for in gold. It is said, indeed, that if we regularly and habitually imported corn, the countries whence we received it would not take our manufactures; but, really, that matters not. If they would not take our manufactures, they would be to be paid either in the manufactures of some third country, which we should get in exchange for our goods, or in gold, the produce of the sale of those goods, which in the regular course of trade would be obtained. There could be no doubt that on the Exchange in the city of London, if there was a regular and habitual trade, this would be managed without difficulty. And is not this the case at present? For the last five years we have been importing very largely: at the first, when the demand was sudden, great exports (it is said, to the amount of 7,000,000*l.* or 8,000,000*l.*) of sovereigns took place, to the great detriment of commerce, to the derangement of our currency, and to the imminent danger of the Bank of England; a loan from the Bank of Paris, indeed, was wanted to prevent its failure; and this state of things would be always liable to occur when there are similar large, unexpected, and irregular demands. But for the last three years, though the importations have not been less than they were on the occasion alluded to, they have been continuous and uninterrupted: arrangements accordingly have been made by commercial men, and all these millions of quarters of imported corn have been paid for without any derangement of currency, without inconvenience, without any person hearing of it, or any sensation whatever. But will this continue if this sliding-scale is adhered to? In all probability, not. The late continued high prices have doubtless stimulated production: and the effect of the stimulus will probably last for some three or four years; if so, corn may become again abundant and cheap, the duty high, and no foreign corn will be imported. The trade now established will then have ceased, and the arrangements for carrying it on will have been discontinued; and at the end of the period, if production shall again flag, (as heretofore, more than once and again, has been the case,) and scarcity and dearness return, the same demand of corn from abroad, again to be paid for in gold, producing the derangement of the currency, and commercial and manufacturing distress, will recur. And the House must observe, that the same causes will produce the same effects abroad as here, and precisely at the same period: the high prices here, causing high prices there, will there also cause greater production, which, finding our market no longer opened for it, will after a time be discontinued, or at the least diminished; when, probably, all of a sudden, a brisk and large demand will come from hence, thereby raising the prices abroad, and producing all the inconvenience of a diminished supply for their home market: so that all the evils of this alternation of high and low prices, of great abundance at home and of great demands for supply from abroad, are felt both here and in foreign countries; and the sufferings in each country aggravate those of the other. It is true, that, having entered on this vicious course, it cannot be relinquished without still feeling some of the evils of it: but no better course can be adopted than at once to depart from it; and no surer method, if not to end, at least to mitigate, those evils, than to open our markets, and for the future add by our laws nothing to the uncertainties which former enactments have occasioned. It appears, then, that this sliding-scale has entirely failed in the objects which it was intended to effect. It neither insures a supply adequate to the wants of the country, nor provides it at the time when it is wanted; and as for price, it has the effect of alternately depressing and raising prices, and of raising them especially when we are obliged to buy. How, then, are these objects to be attained? Simply by letting matters alone. As the great town in which we live is amply, and fully, and at all times supplied by the care of persons interested in providing all that is wanted; so, if mischievous legislation did not interfere, would the country, doubtless, be amply supplied with all the corn it would require, and with everything else that it might want, by those who would make it their business, and whose interest it would be, to apportion the supply to the demand. But it will be said, that in that case corn would be so cheap, that the agriculture of the country would be ruined; that land would be thrown out of cultivation, and there would be no employment for the labourers. It can hardly be denied, indeed, that cheap food is desirable: all the sense and feelings of mankind at all times have given assent to that proposition. But it is said, that we are in a highly artificial state, that our national debt is a grievous burden, and, consequently, the price of food and of everything else must be proportionably high. This argument is difficult to be understood. For the producers of food, indeed, it may be very well, that, as they have heavy taxes to pay, they should get high prices for the article they have to sell; but how it can be necessary for the purchasers of that article that they should pay an exorbitantly high price for it, because they are burdened with other heavy payments, seems rather strange: for, after all, it must be admitted that this is altogether a landowner's plea. The question, in truth, is a landowner's question, and a landowner's question only. The general consumer cannot be benefitted by having a high price to pay; the occupier has no interest in a high price, except during his lease, if he has one; the landowner is the only person really benefitted. And as to land being thrown out of cultivation, does any man really believe that this would happen? That some lands which are now under the plough, and which ought never to have been applied to the raising of corn, for which they are not adapted, will be restored to pasture, may be very probable; but as pasture, they would be cultivated and productive, whereas the loss is greater than the gain in using them for purposes for which they are not fitted. That in an island of such limited extent as Great Britain, with its enormous and rapidly increasing population, any land which can be profitably used should cease to be occupied and used in some way, seems to be one of the wildest imaginations conceivable. And be it observed, if it cannot be used with profit, it assuredly ought not to be used at all. It surely is not of advantage to incur a loss. For his part, he (Lord Radnor) was free to express that he thought food could not be too cheap; he saw no limit to the cheapness which he would desire; and he believed that it would be advantageous to the producers themselves, inasmuch as the benefit to the community in general would be so largely shared by them, that in a variety of ways they would be amply compensated for the loss of their monopoly. But he must, at the same time, admit that he did not think that either this measure, or indeed any measure, would permanently much lower the price of corn. How, then, will it be said, is this to be reconciled with what he had before stated of the relief that this bill would afford to the sufferings of the people? In the first place, he had no doubt that there would be a considerable and immediate lowering of present prices, and that would give relief. But, secondly, if the prices should not be permanently lowered below the average, yet, if the ability to pay was increased, the result will be the same—the same benefit would accrue to the people. If commerce revived, the demand for labour would increase, and wages would rise; and if the price of corn did not fall, still the labourer, by the operation, would be in a more advantageous position. He had that very morning seen, in a book on corn, an instance when the quarter of wheat in Edward the 2nd's time was 44*s.*; which to us now, with the means of purchasing which the people at present possess, appears a very moderate price; but reduced into the money of the present day—that is, when compared with the ability to pay of that period—it was no less a sum than 21*l.* would now represent; a most exorbitant price. In like manner, the present prices might continue or even be raised: if the ability of the consumers to pay were increased at all in the first case, or in the second increased in a still greater proportion than the price of corn rose, there can be no doubt that they would be benefitted: and in this way, as he thought, the repeal of the Corn-laws would be useful. That it would not lower the nominal price of corn he inferred from this—that if perfect free-trade in corn were established, there would be nearly a uniformity of prices all over the world. The same article cannot have two prices in the same market; therefore, the expense of conveying the corn from the country where it can be raised cheapest, to that where the expense of cultivation is greater, would be the only ingredient of difference of price throughout the world; and the price would necessarily be the price not of the cheapest, but the dearest country. As in a market town in England, if two loads of wheat of precisely the same quality are wanted and sold, if the raising of the one cost 3*l.*, and that of the other only 30*s.* per quarter, the price of the two will be at a rate which would compensate the grower of the dearer sample, and the grower of the cheaper sample would receive all the benefit of the difference. But it is said, the English farmer cannot compete with the foreign grower— and why not? In what is he his inferior? In strength—in industry—in skill—or in his apparatus? And if their Lordships look to experience, they will find that those years when the agriculturists have most complained, have been precisely those when there has been no competition, when no foreign corn was admitted into the country; and those when prices were high and the agriculturists happy and contented, were years of large importation. For all these reasons, he thought that it would be wise and fit to give a second reading and to pass the bill which was now before them. For his own part, as he said before, he thought it a measure so pressing, that it could not be delayed with safety to the prosperity of the people. Having that opinion, he had brought it forward as a matter of imperative duty. It would, he believed, greatly relieve the present great and lamentable distress which prevailed in all parts of the country —not only in the manufacturing districts, where they were notorious and admitted, but also in the agricultural parts—and would lay the foundation of future prosperity. Without it, he despaired of seeing any permanent or uninterrupted course of well-being to either the agricultural or manufacturing interests. *Liberavi animam meam,* said he; the responsibility of rejecting this measure, and all its consequences, must rest with your Lordships.

The Earl of *Ripon* opposed the motion. He denied that the effects of the sliding-scale were such as the noble Lord had described. All the surplus corn with which other countries could supply this country had been consumed under its operation, and no more could be effected by any other system whatever. The argument had been used that fluctuations in the price of corn abroad were caused by the English Corn-laws. But the fluctuation in the price of rye in Prussia was greater than in that of wheat in this country, and rye was an article that could not be affected by our system. During the thirteen weeks in which the new Corn-law had been in operation, wheat was gradually eking into the market at varying rates of duty, and 414,000 quarters had been introduced. One of the objections to the former law was, that no corn was introduced while the price was rising and the duty falling. The contrary, however, was now the case. He (the Earl of Ripon) must say, that he considered cheapness caused by our own abundance would be an advantage, and the present reduction of price arose from two causes—the importation that had taken place, and the goodness of Providence in the prospect which existed of a favourable harvest. By the alterations which had been made in the law, the duty was now only 8*s.*, where it would formerly have been 1*l.* 2*s.* 8*d.*, thus showing the great relief that had been given to the consumer. As to the free-trade principles of the noble Earl, he (the Earl of Ripon) would say that it by no means appeared, if England went to the full extent in the adoption of these principles, that other countries would reciprocate her example. Statesmen should beware of taking it for granted that the whole world would follow what they themselves thought right. Under these circumstances, believing that the noble Earl had shown no wise or sufficient grounds for the adoption of his proposition, he felt that he should have the approbation of the people of this country in refusing his assent thereto. The noble Earl concluded by moving, as an amendment, that the bill be read a second time that day six months.

Lord *Kinnaird* supported the bill. The late measure of the Government on the Corn-laws was, at all events, out of doors universally admitted to be a failure; and even by the noble President of the Council it had been *quasi* admitted to be a failure, for the noble Baron stated, that while agitation against the Government measure prevailed, it could not be said to have a fair trial, and this was tantamount to admitting it to be a failure, for the noble Baron might rest assured that agitation would never cease till the Corn-law was repealed. The feeling against that law was becoming stronger and stronger from day to day, and more widely diffused. Last year the number of signatures to petitions against the Corn-law was only about one million, while this year the number of signatures exceeded four millions. There was no limit to our prospective trade with the United States, if we would only consent to receive their agricultural produce in exchange for our manufactures. He cordially supported the repeal of the Corn-laws, and he should not be greatly surprised, ere long, to find her Majesty's Government themselves adopting the repeal of this law, as they had adopted other principles of their Liberal predecessors, after they had further looked into the matter, and seen the utter fallacy of the measure they had passed.

The *Earl of Radnor* said, that it would be unpardonable in him to again occupy their Lordships' attention for any considerable time, but there were one or two things which had been stated by the noble Earl opposite, on which he must say a few words. First, as to what the noble Earl had said of the varying price of rye on the continent. Rye, it was stated, was raised in certain parts, (he believed the northern parts of Germany) and was the common food of the people; was not an article of export, and was subject to much variation of price, more even than wheat. One answer to this had been given by his noble Friend who spoke last: viz., that as an article of food, it would necessarily be affected by the price of wheat. When wheat was so cheap that it was accessible to the people, they would take it in preference to rye, and the latter grain would then not be in demand, and consequently would become cheap. The noble Earl intimates his dissent, and says, that wheat is never used by the people of that country for food; habitually, certainly not; but it can hardly be supposed that when wheat is as cheap and cheaper than rye, they would not prefer a cheap and a better article to an inferior and a dearer one. But, probably, a further reason is this, that rye is not an article of commerce; that the excess in one country or of one part is not available in other places or at other times; so that if the supply is greater than the demand, it falls in price; and if below it, it rises, just as potatoes in Ireland. These from their weight and bulk, when compared with their value, are not easily transported; and there is scarcely a year in which, while there is abundance (and consequently cheapness) in one part of Ireland, there is not scarcity, often absolute famine, in the adjoining county. Another part to which the noble Earl alluded, is the mode in which the currency is effected by large importations of corn; and he contends that as a few years ago they were paid for in bullion, so, if these importations continued, would these payments also be continued to our great inconvenience. But he (Lord Radnor) proved, as he thought, that if the importations were continued regularly and were brought about in the common course of trade, no such consequence could ensue. When, indeed, a sudden and large demand arose, quite different from the regular course of trade, then, necessarily, the supply must be paid for in bullion; and the sudden and unexpected export of so much corn must occasion considerable inconvenience and embarrassment. But when these demands come habitually and are anticipated, the mode of payment is prepared beforehand, and whether made in gold obtained for the purpose, or in articles bought of third parties, or in our own manufactures, really mattered not one jot. And this is clearly proved by the fact that for the last three years past importations have taken place; how paid for he could not tell; he had no means of knowing—it might be in goods of our own manufacture, it might be in goods obtained from others by the sale of our manufactures, or it might be in gold procured by the same method; but paid for they were, and without any difficulty or any derangement of our currency. But if this trade is forcibly interrupted by the prohibiting law, this arrangement would of course cease, and when a fresh necessity arose, till new ones can be made, the same difficulty will recur. Suppose the corn has been paid for in hardware from Sheffield, and this trade should be now suspended, and at the end of four or five years we should again suddenly require two or three millions of quarters of wheat, of the value of some six or seven millions of pounds, is it to be supposed that the people of the continent will have in a similar way suspended their demand for knives and razors, and will at the end of the time want such an accumulated supply of these articles as would pay for the cost? Doubtless they will have obtained what they want in the intermediate time, and will be unwilling to take from us anything but that article which is available in any market of the world—viz. gold! The noble Earl had availed himself of some returns which he (Lord Radnor) had moved for some time ago, but which had been only presented that day, and which he had not any opportunity of seeing, except during the noble Earl's Speech. He had, however, since looked at them, and had seen quite enough to say, that they by no means bore out the noble Earl in the argument he deduced from them in favour of the present sliding-scale. These returns show the amount of wheat admitted for home consumption in each week since the passing of the present law, and the amount of duty in each week; and the noble Earl contends that it has come in regularly each week as there was a demand. That some wheat has been admitted in each week—at first at 13*s.* duty, then at 12*s.*, then at 11*s.*, then at 10*s.*, and lately at 9*s.* and 8*s.*, is not to be denied: but was not some also admitted in each corresponding week of last year when the duties were in some weeks 23*s.* 8*d.*, and in others 24*s.* 8*d.*? But the noble Earl does not argue fairly from the facts disclosed by these returns, when he states that corn came in regularly. He perceived that the whole amount admitted during the thirteen weeks which have elapsed since the passing of the present law, is 337,000 quarters; but of these, 205,297 quarters, or nearly two thirds, have been admitted in the course of the last four weeks, and upwards of 160,000 quarters, or nearly half of the whole, in the last two weeks. The noble Earl is therefore not borne out in his expression, that corn has been admitted regularly every week. But it will be said, that this increased quantity of admitted corn has been during the late month of higher prices and of low duty, 9*s.* and 8*s.*, and that, therefore, it has proved that the sliding-scale works well, admitting more corn as the duty falls—that is, in other words, as the price rises. But what is the fact? During the first nine weeks, when the price of corn was rising, and when the starving people were crying out for bread, it came in sparingly; because, in expectation of a bad harvest, it was supposed that the price of corn would rise, and, consequently, the duty fall, and the holders of the corn would thus, by delay, get the double advantage of the increased price and the diminished duty. But for the last four weeks the sun has been bright and shining, the appearance of the crops has everywhere improved, and there is promise of a good harvest and of low prices; and just as the market is about to fall from these natural causes, the holders of foreign corn, fearful of high returning duties, pour their extra corn into the market to its further depression, and to the loss of the home grower. If the prospects had been bad, no one can doubt that the supply would have continued sparing, or short of the necessities of the people, till the duty had fallen to the lowest point, or at least to that point when it would have been more economical to pay that duty than to incur the extra expenses of continued hire of warehouses. But the appearance of things being favourable, in comes 1,500,000 or 2,000,000 of quarters, to the detriment of the farmer, and with little benefit to the consumer. Nothing can be more confirmatory of the folly of the sliding-scale than these returns. He presented the bill for their Lordships' acceptance.

Original motion negatived.

Bill put off for six months.

House adjourned.

The following Protest against the Rejection of the Bill was entered on the Journals.

Dissentient—

I. Because there exists great distress in the country, arising from the depressed state of commerce and manufactures, and aggravated by the high price of corn, which would be greatly relieved by the passing of this bill: inasmuch as,

1. A large quantity of wheat and other corn now in bond, would be forthwith released and brought into the market, and the present prices consequently lowered; and,

2. An opening would be thus afforded for the future interchange of our manufactures for the agricultural produce of other countries.

II. Because, even if the hope, which may reasonably be entertained, that there would thus be brought about a revival of commerce with foreign countries were to be disappointed, the immediate operation of this bill would not fail to give a stimulus to the home market, inasmuch as the diminished cost of necessary food would leave to the consumer increased means for the purchase of other articles, and thus the general fund for the employment of labour would be increased.

III. Because the repeal of the present Corn-laws is a measure eagerly desired by a large portion of the people, whose patient endurance of their suffering entitles them to every consideration, and who attribute to it their distress, and think to its repeal they must look for relief.

IV. Because I believe that this measure, so eagerly desired by the suffering people, would be highly beneficial to every class of the community. Experience proves that this country does not habitually grow corn enough for its own consumption; and as it appears from returns on the Table of the House, that from the year 1770, in each succeeding period of ten years, a larger supply of foreign wheat has been required than in the preceding period, and there can be no doubt that this progression, caused by a rapidly increasing population, will continue, a constantly increasing deficiency will be to be made up, by importations from foreign countries.

V. Because it is for the interest of all parties that this supply should be commensurate in extent, and cotemporaneous in time with the demand, and that it should be obtained at the smallest possible cost; and, while no legislative provision can by any contrivance secure these objects, the sliding-scales of the acts proposed to be repealed by this bill, have a direct tendency to prevent their attainment, and to aggravate the inconveniencies both of a rising and a falling price, by holding out inducements, in the first case, to withhold the supply for the purpose of advancing the price, and consequently lowering the duty; and, in the other, to pour it into an already over-supplied market, to avoid the higher duty consequent on a lower price.

VI. Because that which no legislative wisdom can accomplish, will best be effected by the unceasing vigilance of unrestrained commercial speculation. In the same manner as the wants of the population of this great town are, without any legislative provision or administrative care on the part of the Government, at all times adequately supplied from different parts of the kingdom; so, if the arrangements of commerce were not interfered with by mischievous Legislation, would the kingdom itself be supplied (always sufficiently, never superabundantly) by the unrestrained intercourse of traders from other parts of the world; while the competition amongst the traders themselves would insure to the country the lowest possible prices, consistent with the true interests and powers of the producers.

VII. Because a moderate price of food is manifestly for the advantage of all the consumers thereof. The allegation that a high price is rendered necessary by the great burdens imposed on the people, cannot by possibility apply to any but the producers; and the benefit of a low price to all others is undoubtedly not the less, for their having other burdens to bear. Indeed, the producers themselves have the same interests, in as far as they are consumers; and inasmuch as the well-being and prosperity of the whole tend to the benefit of every part, I hold, that the reaction of the general prosperity on the producers themselves, would more than compensate for any loss consequent on their being deprived of their monopoly.

VIII. Because it does not appear that the British agriculturists have ever suffered from legitimate foreign competition, or need entertain any apprehension of it. The periods of agricultural distress have been precisely those when no foreign grain has come into the market; and the years when there have been large importations, have been those of high prices and agricultural prosperity.

IX. Because the sliding-scale is fraught with other great inconveniences. It holds out temptations to interested persons to influence, by fictitious or fraudulent sales, the averages for their own advantage; sometimes to the injury of the public, always to the detriment of the revenue; and by the uncertainty which it introduces into the amount of duty at any particular period, it keeps out of the markets the traders of distant countries, and especially of the United States of America. Thus competition is limited; the country is deprived of all the benefit to be derived from the intercourse which would arise from this trade with the people of distant countries, who are precisely those most able to supply our wants, and most willing to take our manufactured goods in exchange; and we narrow our sources of supply to the countries of Europe, with which we can more expeditiously communicate. We voluntarily and unnecessarily deprive ourselves of an ample, and betake ourselves to an inadequate, market.

X. Because it has been found, that under the operation of the late act, there have occurred great fluctuations in the foreign trade in corn. Sometimes, for several years consecutively, the importations have been very great; in others also consecutively, quite trivial; and the trade has thus assumed a character of unsteadiness and uncertainty, totally inconsistent with a regular exchange of manufactured goods. The consequence has been, that these large occasional importations have caused such a derangement in the exchanges, followed by a corresponding export of bullion, as has produced an alarming derangement of our currency, to the great detriment of commerce, and the imminent danger of public credit; and to such an extent, that on a late occasion the Bank of England was constrained to apply for assistance to the Bank of Paris. The act of the present Session does not, in my opinion, remove the probability of the recurrence of this danger.

XI. Because I believe that the free intercourse in corn will not permanently or materially lower its price. Uniformity of price in every country would necessarily follow, limited only by the expense of carriage from the cheaper to the dearer country; and the price in each will be regulated by the cost of profitable (the only desirable) production in the dearest.

XII. Because the same free intercoure will afford the greatest possible security against the variation of price in different seasons. The trade in corn would be no longer subject to the uncertainties of the present system; and the foresight of traders, sharpened by interest, and enlightened by extensive communications with every part of the world, would enable them so to apportion and hoard up the superabundance of one year or country, for the supply of the deficiencies of others, as to produce the greatest attainable equality in every season.

XIII. Because this happy state of things, by removing as far as possible from every community, and from every member of each community, all uncertainty of the necessary supply of food, and all uneasiness on that score, would leave them at greater liberty to pursue each that separate vocation, manufacture, or trade, which would be most profitable to the individual person or state, and consequently most conducive to the advantage and welfare of the whole.

XIV. Because no measure of precaution, no extent of military power, no depth of diplomatic ability, would, so much as this free, unrestrained, and universally profitable intercourse, conduce to the stability of the peace of the world.

XV. Because I see ground for apprehension, that, if the harvest of this year should be abundant, and followed by a succession of favourable seasons, we shall fall into the same state in which we were in 1834, 1835, and 1836. Corn will become abundant and cheap, manufactures will probably revive, and possibly the necessity of a repeal of the Corn-laws will be forgotten by those who now demand it. But, on the other hand, there will be complaints of agricultural distress. Corn, cultivated at a great expense, in expectation of high prices, will be produced in abundance, and will again fall so much in value as not to remunerate the producers. This, again, will lead to a diminished cultivation, and after a few years bring back high prices, the necessity of foreign importations, and a renewal of distress in the manufacturing districts. And as each period of such distress has heretofore been more severe and prolonged than the preceding, and has been accompanied by a larger importation of foreign corn, I doubt not the next will exceed any hitherto witnessed. This alternation of suffering and prosperity of the agricultural and manufacturing classes, accompanied in every case by a directly opposite condition of the other interest, is calamitous and full of danger. The well-being of each ought to be dependent on and cotemporaneous with the well-being of the other; and there seems no reason, in the nature of things, why the two interests should not uninterruptedly advance together in prosperity and wealth. And, as I believe that this state of things will be best brought about by leaving uncontrolled the free current of national industry, I gave my cordial support to a bill, the object of which was to leave free and unconstrained the trade in the most important article of the food of the people.

RADNOR. BROUGHAM.
KINNAIRD AND ROSSIE. CLONCURRY.

HOUSE OF COMMONS,

Thursday, August 4, 1842.

MINUTES.] BILLS. *Public.*—1°· 2°· Boroughs Incorporation.

2°· Insolvent Debtors.

Committed.—Exchequer Bills; Consolidated Fund.

Reported.—Court of Chancery Offices; Lunatic Asylums (Ireland).

3°· and passed:—Slave Trade Suppression; Tobacco Regulations.

Private.—Reported.—Cauvin's Estate; Street's Divorce.

PETITIONS PRESENTED. By Mr. Brotherton, from the Corporation of Bristol, against the County Courts Bill.—By Sir R. Peel, from Newtown Crommelin, for Alteration in the present System of Education (Ireland).—From the Hailsham Union, to rate the Clergy to provide Spiritual Instruction for Paupers.—From Newcastle-upon-Tyne, in favour of Medical Reform.—By Mr. Pringle, from Schoolmasters of Stirling, for the ameliorating of their condition.

HEALTH OF TOWNS—BURIALS.] Mr. *Mackinnon* rose to move for leave to bring in a bill to promote the Health of Towns by preventing interments within their precincts. He said he should have been more pleased if the Government had taken the measure in hand, but as it had devolved on him as chairman of the committee, he would do his best in promoting the measure. In so doing, it was not his intention to enter into a long account of the practice of interments in former times, as this was well known by most Members of the House. He would only observe that the practice of burying in churches or in churchyards near the church had first began with the Emperor Constantine, and had not been in general practice until the eighth century. This custom had originated in superstition, the ignorance of those days making the mass believe that by being interred in or near the church they would escape purgatory; but he would ask was such a practice to continue at present? The hon. Gentleman said he would not enter into any details of the evidence adduced before the committee, or repeat any of the disgusting and offensive information brought before them by disinterested witnesses, who bore testimony of the abominations practised in the graveyards of great towns; all this would be known to the House and to the country by a perusal of the evidence given in the report on the improvement in the Health of Towns, but he could not pass over the evidence of the most distinguished practitioners in the country, of first men in medicine and surgery, who all agreed and received it as an axiom, that pestilential fevers and many other diseases arose at present from the interment of the dead in large towns, or within their precincts. He must also allude with unfeigned satisfaction to the conduct and evidence of the clergy. All that he had examined, from the highest prelate—from the Archbishop of Canterbury and Bishop of London to the humblest curate—all gave a willing evidence, and bore testimony against those evils, although the result might be some loss of fees to some of the parochial clergy. Having said this, he thought it advisable, without further preamble, to advert to the clauses of the bill that he was about to introduce, if leave were given by the House. But very considerable difficulty arose in settling many points necessary to be arranged. He wished, in the first clause, to prohibit all interments under churches, or in large towns, and to remove them to say one mile or more from the town. Here a difficulty arose, in what the boundaries of the town should be defined, and he could suggest no other besides that of taking the boundaries to be co-extensive with the lighting and paving of each place. The next point was to allow all cemeteries in the vicinity of towns which had been formed within the last ten years, to continue to be used as at present, and not to come under the operation of this act. The next clause would be to allow the present graveyards in towns to be sown with grass, and not to be disturbed more than six inches below the surface for the next four years; after that time to be planted with trees, so that they might serve as walks for the inhabitants, as places where the descendants could witness the gravestones of their fathers—in short, as places which, by affording air and ventilation, might serve to promote the health and comfort of the people in the same proportion as they at present tended to disgust and to pollute, by noisome gases, the atmosphere in the neighbourhood. He must state that it was impossible to carry this act into operation, unless some authority or power in every parish was established to make arrangements. This authority might be vested in the incumbent vicar or resident Minister, and the two churchwardens, who should have power under this act to raise a fund to cover the necessary expenses that must be incurred; these expenses were as follow, and could not be passed over; it would be necessary either to purchase land, or to make a contract with some cemetery for the use of the parish; another expense would be the removal of the paupers to their last home, and the last would be the remuneration for loss of fees or of salary to the clergy, and sextons, and others; all this expense, he thought, might be covered by a penny rate, levied in addition to a poor-rate, once in two or three years, for it must not be forgotten by hon. Members that in proportion as the population of a parish was great, in the same proportion the expenses would be higher; but then a much larger sum would be raised by a penny rate on the inhabitants of the parish. He would also permit an union of those parishes in like manner as we had unions of the parishes for the support of the poor. At these unions, the minister of each parish, and the churchwardens could vote, and the votes of the majority would decide any question; he would style these parish authorities committees of health for the parish. Besides these local authorities, he thought it advisable, that a central board of health should be formed in London, or a power given to the diocesan, for every parish or union to appeal to in cases of doubt or dispute; but he was inclined to prefer a board of health named by the Government, which board could also superintend the drainage and ventilation in large towns. In the Buildings Bill, which had been printed this Session, the want of such a board was apparent; it might regulate the drainage of houses about to be erected, and also prevent the injury done to the community by the want of ventilation, which arose when houses were built back to back in alleys, or in the poorer parts of the metropolis or large towns. He hoped that Great Britain the most civilized, the most wealthy, and most moral community in the universe, would not, in the nineteenth century, be the most backward in adopting that change for the benefit of the people that was loudly and would be still more fervently demanded by public opinion. A feeling existed in the community that could not be withstood, that the mass of the people were injured by the present mode of interment—that we ought to attend to their welfare. The hon. Gentleman concluded by expressing a hope that the churches should no longer be desecrated, the health of the living injured, or the remains of the dead disturbed, which must continue if the present system prevailed.

Mr. *Cowper* seconded the motion. Although he did not, generally speaking, approve of bills being brought in at so late a period of the Session. He thought some good might be done by the printing of so important a bill as the present. The evils now existing loudly called for a remedy. In the close and confined churchyards of the metropolis pestilential gases were generated, which caused frequent destruction to the living while engaged in administering the last offices to the dead. On many grounds he felt bound to support the present motion.

Sir *R. Inglis* said, that in not opposing the whole bill, he did not pledge himself to support it in all its details.

Leave given.

Captain Warner's Invention.]—Sir *F. Burdett* rose to move for a select committee to inquire into the negotiations of the Government with Mr. Warner concerning his invention. He had endeavoured to bring this subject before the House at an earlier period of the Session, but had hitherto been prevented from doing so by the state of public business. The case of Captain Warner he had mentioned to the House about a fortnight ago; and as it stood in a peculiar situation, and was of paramount importance, he thought that even at that late period it deserved attention. There could be no other feeling on the subject than an anxiety to constitnte a competent tribunal to report on the remarkable discovery said to have been made by Captain Warner. One great object he had in view was, to clear away all suspicion and misrepresentation with respect to the conduct of Captain Warner; and for this purpose he should read a paper, which stated all that had taken place since the present Administration came into office. Captain Warner wrote to Sir R. Peel, and in answer, received an intimation that he should shortly hear from Sir G. Murray. Then came a paper from Sir G. Murray, which was a very lucid and simple document, and, coming from that distinguished individual, must carry great force with it. Sir G. Murray stated that there were three points to be attended to:—first, the power of the invention; second, the degree of facility with which it might be applied to naval, military, or other objects; and third, the detriment which would result by allowing the discovery to be communicated to other countries. There were two modes of treating the discovery: either to treat it with total disregard, thereby leaving Captain Warner to pursue his own course, or else to come to an understanding as to conducting a series of experiments, under the inspection of competent persons. With respect to the expense of these experiments, if made, that should be borne, Sir G. Murray admitted, by the Government. Many persons had expressed an opinion as to the importance of the invention and of the expediency and wisdom of not allowing it to be disclosed to other countries. On the 5th of April Captain Warner had a meeting at the Ordnance-office with the three individuals appointed to inspect the experiments, and he proposed that if the experiments proved satisfactory, he should receive remuneration. They replied, however, that they had no authority to promise him remuneration; and that they desired it to be understood that nothing they said should be construed into an admission about remuneration. This put an extinguisher on the whole proceeding. But Lord Ingestre, who, he supposed, was as competent as any man to judge of this invention, had left behind him, when he went to St. Petersburg a short time since, a letter, stating his opinion in favour of it. The noble Lord had been most anxious about this discovery, and that measures should be taken to preserve it to this country. It would be wrong in him if he did more than state to the House the simple facts of the case; but at the same time there was a circumstance that ought to be mentioned, for it showed the hardship of the case towards Captain Warner. That gentleman made the discovery two years before the death of that patriotic, kindhearted, and constitutional King, William 4th. Had the King lived a little longer, the discovery would have been secured to the country. When he was informed of it, he said, "Let it be kept secret; the fewer persons that know about this the better." Captain Warner desired to submit it to the late Sir Richard Keats, as great an officer, admiral, or seaman, as this country had ever produced. Sir Richard Keats was attached to the naval system of this country, and was strongly prejudiced against innovation, but he possessed a candid mind, and what was the consequence? He took not one week, one month, or one year, but two years to examine this invention, and put it to every possible test; and after that long examination, he reported to King William that this country would do wrong not to keep it. His Majesty then saw Captain Warner, was in constant intercourse with him, and examined the invention for himself, but his anxiety always was that it should be confined to as few persons as possible. However, he appointed with Sir Richard Keats another admiral, who surely was competent to know what was to be done in warfare, for he was the old friend of Lord Nelson, Captain Hardy, and he, as well as Sir R. Keats, was long employed in the investigation of the facts stated by Captain Warner. The result was that they were both satisfied with the invention, but at the same time they were terrified lest it should be lost to the country, and a sort of command was then laid upon Captain Warner not to impart it to any one besides those two admirals and the Prime Minister. But King William died, and Lord Melbourne was then Prime Minister, and he supposed that Lord Melbourne had the report of Sir Richard Keats and Sir Thomas Hardy, which was now lost. What had become of that report he could not say, but some person ought to be answerable for it; and that matter alone was a fit subject of inquiry by a committee of that House. Everything having happened so unfortunately, Captain Warner was placed in a very unpleasant position. He was subject to many misrepresentations and to much calumny. It was said also that he had received money from the Government. If he had received some money in advance it would have been well for him; but in fact he had received nothing. He did not think any conduct could be more fair, more patient, or self-denying than had been that of Captain Warner; and at the same time he was perfectly convinced that he had nothing to do but to go to Boulogne, and there he would get more than he asked here. He had no reason to doubt that Captain Warner had received many offers from different parts of the continent, Vienna, and other places; and he thought under these circumstances it would be unjustifiable and unpardonable if the House of Commons did not do something to secure the invention to this country. He was sorry to see such a skeleton of the House of Commons; at that period of the Session, however, he did not complain of it; but he felt confident that if there had been a full House of Commons, no power could prevent them from agreeing to such a committee as he was about to move for. The hon. Member read a letter from Captain Warner to Sir R. Peel, dated the 25th of May last, in which he stated the great value of the invention, and undertook to show, with proper precautions against accident, that he could render any roadsteads or harbours impassable without the certain destruction of vessels attempting the passage; and that he could destroy any number of ships under weigh, under any state of wind or weather. All he asked was 400,000*l.*; but he was willing to accept the offer of Sir R. Peel:—that, in the event of his demonstrating his ability to do what he undertook, Sir R. Peel would recommend to Parliament such a grant as might have been previously agreed upon. He could not conceive there would be any trouble in getting a committee, and in fact the country would expect some explanation upon this subject. He had had many communications begging that this motion might not stand over to another Session, and it would not occupy much time if a committee were appointed. Men, the highest in the two services, had spoken of the invention in terms far higher than he (Sir F. Burdett) would venture to use. The mischief of constant experimentizing was this—that by degrees the thing would become thus known; and his late Majesty King William had sagaciously recommended secrecy. Undoubtedly Captain Warner, though by no means a learned man, was a thoroughly practical man, and a very able, intelligent, and experienced seaman. He stated his readiness to destroy, at a distance of six miles, a line-of-battle ship, provided he had the assurance of compensation in case of success. What offer could be fairer than that? Would the House be doing its duty in totally disregarding the subject? In conclusion the hon. Baronet moved for a committee to inquire into negotiations of the Government with Mr. Warner concerning his invention.

Sir *Howard Douglas* then rose and said, he felt called upon to enter into some explanation with reference to the statement made by the hon. Baronet, the Member for North Wilts. Soon after his (Sir Howard's) return from his late foreign service, he was sent for by the Master-general of the Ordnance, General Sir George Murray, who, with the sanction of the right hon. Baronet at the head of her Majesty's Government, proposed to him to become a member of a commission, to be composed of two persons, the other to be selected by the admiralty, to investigate, make experiments, and report upon the practical efficacy and value of certain inventions alleged to have been made by Mr. Warner. He (Sir H. Douglas) expressed great unwillingness to undertake that office; but, on being pressed to do so by his gallant and distinguished Friend, he replied, as he should to any other call made upon him, in which his services could be useful to the country, that he would obey. He made several stipulations, however, before he entered on the duties of the commission; that the service should be gratuitous; that he should have nothing to do with any previous proceedings; be utterly free from, and unembarrassed by, all former experiments, or any engagements, expectations or understandings, expressed or implied; that he should have nothing whatever to do with reward or compensation, either in principle or amount; that the only duty of the commission should be, to ascertain, by an extensive course of experiments, the practical utility, the real service value of the invention; and, reporting the result, leave the Government perfectly free, either to disregard or otherwise Mr. Warner's projects; negociate with the projector, or not, as to her Majesty's Government it might seem expedient for the public interests, on a full consideration of the report of the commission. His colleague, Vice-admiral Sir Edward Owen, and himself, soon afterwards met, and came to the conclusion, that the only really important application of the alleged discovery, was that by which he, Mr. Warner, asserted that he could, at vast distances, destroy fleets, forts, ships or troops; and the commission accordingly resolved to direct its attention more immediately, and particularly to test that part of Mr. Warner's project. The following memorandum, drawn up by General Sir George Murray, Master-general of the Ordnance, (dated the 22d. January, 1842) for the guidance of the commission, formed the basis on which the proceedings of the commission were regulated; and to the terms of that memorandum, Mr. Warner expressly assented.

1st. To agree upon a series of experiments to be made under Mr. Warner's directions, in the presence of Sir H. Douglas and Sir Edward Owen.

2nd. To frame an estimate of the expense which will attend these experiments that it may be submitted to the Treasury previously to any expense being incurred.

3rd. That when the expense has been sanctioned by the Treasury, the experiments should proceed.

4th. That detailed minutes should be kept of every step of the investigation, i. e., all particulars of such experiments.

5th. That Sir E. Owen and Sir H. Douglas should draw up a report as the result of their observations to be submitted to the Prime Minister, and to which they will be pleased to annex, as an appendix, the minutes above mentioned.

6th. Sir H. Douglas and Sir E. Owen will be pleased to consider the whole proceeding in this matter strictly confidential.

The House will perceive that there is not, in that memorandum, a word about any remuneration, or any promise, or guarantee of such held out; and that it was distinctly stated, that the commission should consist of two officers, and that these were named; to all which terms Mr. Warner expressly assented; and, in conformity with which, Mr. Warner was called upon to furnish the commission with the estimates of the expense of the projected experiments; and, so far from any disclosure having been made to, or desired by, the commission, the language used by it, to Mr. Warner, from the commencement of these proceedings, was, "We the commissioners are not going to extort from you any part of your secret, these we merely wish to settle with you, in the preliminary interviews, the nature and extent of the experiments for which we are to prepare estimates and make arrangements; and we desire you to make no disclosure; and, if we put any question, to answer which you think would be to make the least disclosure of your secret, we desire you not to answer any such question; but to confine yourself solely to what may be necessary for carrying on the trials; and, as to expense, that need be no obstacle to you, as the public will bear all the charges attending these experiments, according to an estimate which we call upon you to furnish us with the means of making." Some delay here took place; but, adverting to what has fallen from the hon. Baronet the Member for North Wiltshire, I beg to say, that this did not rest with the commission. We had two interviews with Mr. Warner, soon after the date of the Master-General's memorandum; I think, on the 25th and 27th of January. At the latter, it was settled, that Mr. Warner should report to us, when he was ready. About the 1st of February, he (Sir H. Douglas) was called away to Liverpool; and on the 9th, had the honour to take his seat in this House. Sir Edward Owen did not leave London till towards the end of the month, during which time we heard nothing from Captain Warner. Soon afterwards, he (Sir H. Douglas) had the misfortune to lose his colleague, who was called away, finally, to hoist his flag for the command to which he had been appointed; and another highly distinguished and able officer, Admiral Sir Byam Martin, was associated with him (Sir H. Douglas) in lieu. A short delay here took place, on account of a temporary indisposition of Sir Byam Martin. That officer having read, and approved, all the minutes and arrangements, according to which the commission had proposed to proceed, we announced to Mr. Warner that we were ready. We stated distinctly to him, that we should proceed with the greatest delicacy towards him, but that we would take nothing for granted; that the experiments must be carried on in the most extensive, decisive, and satisfactory manner, to prove, beyond all doubt, the efficacy and value of the invention, under all circumstances of wind, weather, tide, and distances. The commission called again upon Mr. Warner, to furnish them with an estimate of the means, material and personal, necessary for making the experiments, distinguishing those which the public departments might be called upon to provide, without drawing from Mr. Warner any disclosure of any part of his secret; and that he would state to the commission, what would be the expense of his making preparations, which he only could make, with due regard and safety to the retention of his secret. Mr. Warner then began to raise some objections; and to insist on a guarantee for remuneration, in case of succeeding in his own opinion and estimation, as it appeared to us, in his object; naming 400,000*l.* as the sum he expected for full compensation; and he likewise proposed that the commission should be enlarged, by the addition of another or of two additional members, to which a decided objection was made. The commission having reported this, to the Master-general of the Ordnance, received, from General Sir George Murray, a letter, dated May 13th, 1842, of which the following is the substance; and there the proceedings of the commission terminated, and now rest. Sir George Murray stated,

"That he had received and read attentively our letter of the 9th instant, and had also carefully perused that addressed to us by Mr. Warner on the 6th. That the perusal of Mr. Warner's letter had not enabled him to see matters in a different light from that in which they appeared, when he wrote to us on the 30th of April. That the investigation which we were commissioned to make of Mr. Warner's discoveries, was to proceed upon the principle of that gentleman enabling us, by a series of experiments, to form a judgment of the power and applicability of the means which he had found out. But no experiments, it would appear, have as yet been exhibited to us; and Mr. Warner seems now to demand, that, before any experiments are made, a guarantee shall be afforded to him, that he is to receive 400,000*l.* in the event of the result of the proposed experiments being such as to satisfy the commissioners that his discoveries possess the power and applicability which he himself has attributed to them, that we have rightly judged, that our commission does not convey to us the power of affording to Mr. Warner such a guarantee. It authorises us merely to report, in the first place, the amount of the expense which a series of experiments would occasion, that the Government may be enabled to decide whether it will, or will not, sanction that outlay; and in the second place, it requires us to report, after witnessing such experiments as Mr. Warner may exhibit before us, whether these experiments warrant the opinion which Mr. Warner has himself formed of the importance and utility to the public, of his discoveries, that his, Sir G. Murray's, understanding has throughout been, that Mr. Warner had given his concurrence to the investigation being conducted upon the principles, and in the manner stated, in his, Sir G. Murray's, memorandum; that he had no authority from the Government to hold out such a preliminary guarantee as Mr. Warner now requires; nor would he recommend such a proposition to the Government."

He (Sir H. Douglas) would now with the permission of the House, make a few observations on what had been stated by the hon. Baronet the Member for North Wiltshire, and with reference to the two branches or applications of Mr. Warner's alleged discovery, which, as specified by the hon. Member, he Mr. Warner denominates his "Invisible Shells," and his "Long Range." The first consists in placing in water, at a certain depth below the surface, a case containing some explosive composition — a submarine mine, or

Fougasse, which, upon being struck by any vessel coming in contact with it, should, either by mechanical or chemical action, be made to explode, and so sink and destroy the vessel. Now he, (Sir H. Douglas) would not dispute that Mr. Warner may have invented some stronger composition, than any now known, and likewise some improved means of producing explosion; but any such new power would be superfluous. He (Sir H. Douglas) would venture to engage to this House, to place, in still water, a case containing explosive materials or ingredients, sufficiently powerful to destroy any vessel that might come in contact with it; and to ensure a collision between the two bodies, by dragging a barge or boat, along the lake, in which the case, or mine, is laid. But the great difficulty was, how to apply and lay out these things in a tide-way, in a rise and fall of tide, and in a rapid current occasioned by tide, and in different and ever varying depths, and in the face of an enemy's fleet, squadron, or ships, rowing guard, and observing all the vigilance invariably used? If these bodies be buoyant, they would come to the surface, and be visible, unless anchored with "short services" of rope. If not buoyant, they would sink, unless suspended by floats. How is all this to be managed and adjusted? He (Sir H. Douglas) did not attach any importance to this part of Mr. Warner's project, nor think much of it. As regarded, however, the alleged power of destroying ships, forts, and fleets, by means of his, Mr. Warner's "Long Range," the commission had been ready, and desirous to proceed to experiments; and had made all the preparations which depended upon them, as well with respect to the "Long Range," as the "Invisible Shells." They were determined however, to test this to the utmost; but not in still water. He (Sir H. Howard) would be no party to blowing up punts upon a fish pond; but, under circumstances as nearly as possible resembling real service, and amidst all the difficulties and varieties of rising and falling tides, wind, weather, and distance, to try both. He (Sir Howard Douglas) would not, unless the hon. Baronet the Member for North Wiltshire had so stated it, say anything of Mr. Warner's want of science. The hon. Baronet says, he (Mr. Warner) is not a man of science or learning; this he (Sir H. Douglas) may confirm; but still Mr. Warner may have hit upon a great discovery; and the practical question resolves itself into this, could he, at the distance of six miles, as he asserted, direct his "Long Range" so effectually against forts or hulks, as to destroy them? Could he do this, under any circumstances of wind and weather? A hulk had been prepared; a fort had been selected; against which the trials were to be made, to ascertain if he could destroy their defences, and dismount their guns; and, to ascertain the effect upon animal life, some head of sheep or cattle, would have been placed therein. If, then, under such circumstances of wind and weather, as the commission should point out; against a hulk, or hulks, which the commission would provide, and against a fort, which they would select, he (Mr. Warner) should destroy those hulks, or that fort; ruin their defences; dismount their guns; and so prove, that he had his alleged stupendous power, under control; that he could direct it with tolerable certainty; that it could be applied with safety to the users; and that the secret was of such a nature as that the exclusive use of it might, thereafter, be retained by the purchase of it by the Government, either for suppression, out of considerations of humanity, or for use in warfare, (and unless it should fulfil these conditions, the power, however great, would not be worth any purchase), then, it must be admitted, that Mr. Warner, unscientific though he be, unlearned though he is, visionary as some call him, had nevertheless made an omnipotent discovery, which would entitle him to the admiration of the age, and place his name, in history, beside those of Bacon and Schwartz. But, without meaning any disparagement, or offence, to Mr. Warner, he (Sir H. Douglas), with the practical knowledge he had, and the little of science he possessed, should remain very—very incredulous, as to the alleged extraordinary powers, imputed to Mr. Warner's invention, till he should see them actually exercised.

Mr. *Brotherton* observed, that the Members of that House knew nothing about the matter, for as yet no evidence had been laid before them of experiments tried. He had received a letter, dated the 24th of June, which detailed pretty fully what had taken place in Portugal with reference to these supposed discoveries of Mr. Warner; with the permission of the House he should read some extracts from that communication. The hon. Member then read as follows:—

"In the beginning of February I was ordered to take the command of the outposts, the nearest to the enemy, at the village of Lordello, half way between Oporto and San Joao da Foz, at the mouth of the Douro. In a short time after, the enemy erected the formidable battery of Seralves, at half musket shot from my advanced sentries, and their shot almost shut up our line of communication between the sea and Oporto. My night and day thoughts were how to destroy this battery. I seldom had time to go to Oporto, but I heard there was an extraordinary man, a Captain Warner, who could perform wonders of destruction with some new invention. I heard he was willing to sell his invention to the Portuguese government, but they not having a farthing in their treasury, of course first wished to prove the power. I went up to Oporto, and there met Captain Warner. There were many wise discussions, and I became a firm and true believer in his inventions and powers. I pointed out to him that my outposts were at half-musket shot from the enemy's battery of Seralves; that I knew every inch of the ground between; and that any night I could go there with half-a-dozen men without being discovered. This, I understood, was a sufficient force to carry the destructive matter, and I undertook to place it when it was ready. He told me it would take some time to prepare. As I permitted no one whatever to come within my sentries I proposed to him that no one might know his secret, that I should give him over a small house as a laboratory within my lines, over which house would be a sentry, and that I should give him over as an assistant to Sergeant Mitchell, of the Rocket Brigade. To this Captain Warner agreed. I sent for Sergeant Mitchell; I ordered him to obey all instructions of Captain Warner, and on no account to disclose what he saw to any human being, not even to myself, as I had bound myself to carry the destructive stuff to Seralves; but while I said this I told him as an honest man he must not let me be 'humbugged.' I think I recollect some boxes or small barrels being brought down from Oporto to this house. I recollect Mitchell did no other duty. Being impatient to destroy this battery of Seralves, from which the enemy were firing day and night, I got impatient, and thought Captain Warner took it very coolly, and did not come often enough. About this time Sergeant Mitchell came to me to say he suspected it was 'all stuff.' I began to have my doubts, and I recollect one day asking Captain Warner some posing question. He then led me to understand that he required a peculiar sort of gun, and that he had written to Woolwich for either three or six brass guns made in a peculiar manner, with which he could destroy anything at any distance. These guns were to come in a schooner, and often did I get on the heights with my telescope to see this long wished-for vessel, as at this time we had little or no food, and the enemy gradually closing us in. The schooner, however, is not yet arrived, and I often used to laugh at myself. As Sergeant Mitchell has claims upon the Portuguese Government, I am sure his address will be got at 94, Mount-street, Grosvenor-square. You will there find that most intelligent officer, Colonel Barreiros, of the Portuguese army, who I think must know all. Then there is Major-general Hare, Lord G. Paulett, Sir T. Lovell, now at Milan, and Colonel Badcock, 15th Hussars. They may know more than I do, but I am not such a staunch believer in the 'wonderful invention' as I was."

But it was not alone to the Portuguese that Mr. Warner proposed to sell his secret, he offered it in Spain, as the following extract from a letter which he had recently received would unequivocally show:—

"As Mr. Warner values himself on his patriotic determination of not communicating his sectret to any but his own country, you may dare Mr. Warner and his advocates to the denial of the fact of his having actually sold his said secret by contract to Don Pedro, Duke of Braganza, ex-Emperor of Brazil, and self-constituted Regent of Portugal, in the earlier part of 1833, during the siege of Oporto, for, I believe, 2,000 contos of reis, or 500.000*l.*; but declined to make an experiment *en grand* without the consideration money being paid to him beforehand, which Don Pedro in his turn declined to comply with, after the possession of Lisbon had afforded him the means to do so by procuring him credit for millions of pounds in the London money-market, of which he availed himself largely to bring the expedition of the liberating army to a close, and finally to eject the usurper Don Miguel from the kingdom; and this, notwithstanding the capture of the Miguelite squadron by Admiral Napier (Count Cabo de San Vicente), and the surrender of the capital, occupied Don Pedro still from July, 1833, to May, 1834, and when having previously witnessed at Oporto a miniature experiment of Mr. Warner (as Sir R. Peel did in Essex), Don Pedro would have been happy to pay the sum agreed upon at once in order to save the effusion of blood, and the waste of treasure and time, had Mr. Warner been able, as he pretended, to blow up the strongest fortifications and armies, as he was requested to do the Monte Crasto, near Oporto, and Foz in 1833; but then his objection was 'money down,' which in 1834 would have been placed in the safe hands of the ambassador of a neutral power—Lord Howard de Walden, for instance—when Mr. Warner might have deposited the keys of the Miguelite fortress of Santarem, so many months in vain blockaded by the Queen's troops; but no, nothing but money in hand would answer the conjuror's purpose. Mr. Warner's contract with Don Pedro, signed by him, the Duke of Braganza, must be still extant in the War-office of Lisbon, and be proveable by many of the surviving authorities, Mr. Warner having shown it to myself and others at Oporto."

Hon. Members would recollect, that the late Government had refused to purchase the secret of Mr. Warner, and he conceived that they had done wisely in so refusing. The present Government had followed that example, and to them he gave equal praise for the course which they had pursued.

Sir *R. Peel* said, I am sorry that so much of the valuable time of the House should have been occupied with a subject of this description. Although I have arrived at a conclusion different from that which the hon. Baronet near me has urged upon the House, yet I am perfectly ready to give him full credit for having brought the motion forward with the most perfect good feeling, and I am quite satisfied that my hon. Friend was influenced by the best feeling. Nevertheless, I am bound, in my own defence and that of the Government, to lay the facts before the House, inasmuch as the motion for a select committee implied something like a reflection upon the line of conduct pursued by the responsible advisers of the Crown. The hon. Baronet said, that if there were a full House, he had no doubt that he should be able to carry his motion. Now, if the whole 658 Members were at this moment assembled, I do not believe there would be found amongst them ten men who would support the hon. Baronet on a question like the present. The proposition is, that we should have a select committee,—to do what? Was it intended that they should try experiments? If fifteen Members were selected from one side of the House, and fifteen from the other, to try if Mr. Warner had fulfilled his undertakings, how could that gentleman's secret be preserved? It appears to me, that to take this matter out of the hands of the Board of Admiralty and the Board of Ordnance, implies a sort of reflexion on me for not having more freely and decisively supported the views of Mr. Warner. I do assure the House, that though I am an unprofessional man, I still have given to this matter a great deal of attention; and with reference to all such real or supposed discoveries, I have thought that my duty was to pursue a middle course. I think that on the one hand a public man is culpable if he wholly disregards suggestions of this nature; and, on the other, equally culpable if upon slender grounds he lends himself too unreservedly to their support. Twenty years experience has taught me that we are not to take things of this sort for granted, and pay 400,000*l.* for a secret, the efficacy of which has not yet been tested. Every man in office has been in the habit of receiving applications of this nature—not a day passes without something of the sort —some most specious proposal. But respecting this case, we have had rather a remarkable statement, in which, after a warm panegyric upon the character of King William, in which every one must concur, the writer states that that sovereign had given a distinct assurance to Mr. Warner that all his expectations would be realized. I think, looking at the professional experience of King William, that it was not very likely he would have given any such assurance; however, as he is now not living, we have no means of knowing how the matter really stood. As we can say nothing further on this subject, I wish next to recall the attention of hon. Members to the frequency of applications of this nature, and to the fact that Mr. Warner is not the only person who lays claim to discoveries. I hold in my hand a letter dated the 11th of July, 1842, and which is in these words:—

> "Fourteen years ago I made experiments in Italy, before several officers, on implements of war, of power unsurpassed, and I was urged by them to come home to lay them before his Majesty's Government. By his Majesty, on the certificates produced, I was assured of every reward if I would disclose the secret. The prosecution of my professional studies suggested the composition to me. One species is superior to Mr. Warner's, as a single shot, striking a line-of-battle ship, would consign her to destruction. I cannot go the length required by the Ordnance, of 500*l.* deposit, to make undisclosed experiments."

With numerous applications of this kind, what course was open to me? I am sure hon. Members do not think that I should at once have complied with Mr. Warner's demands. I am, however, enabled to tell the House that much more was done for Mr. Warner than has been done for any one else similarly circumstanced. His application was treated with a great deal more consideration than usual. The practice is to allow people in general to try their experiments, but at their own expense. If every man in society possessed the power of insisting that his theories and speculations should be tested by experiments at the public expense, the whole time of the public departments would be wasted and the cost would be enormous. Therefore the rule is that experiments shall not be tried unless those who allege that they have made discoveries or perfected inventions give *prima facie* evidence of their sincerity and good faith by trying the experiments at their own expense, the public departments affording them every reasonable facility. To show the consideration with which this supposed discovery was treated, it is enough to say that I consented that Mr. Warner's experiments might be tried at the public expense. Mr. Warner stated, that he could cast his projectiles to a distance of six miles, with a force sufficient to produce the gigantic effects which he promised. This appeared most marvellous, but I was not deterred. Wonderful as it seemed I did not scout the proposition. The hulk was ready at six miles distance; two experienced and distinguished officers, Sir B. Martin and Sir H. Douglas, were ready to witness the experiments, and the secret was not to be divulged. With these facts before the House, I confess I am at a loss to understand how hon. Members can agree to a motion thus reflecting upon us. Mr. Warner, before he would proceed to try any experiments, required that a sum of 400,000*l.* should be guaranteed to him by her Majesty's Government in the event of his being successful. But then what is success? Could he accomplish these tremendous results in the face of an enemy, Could he effect them under all circumstances. This did not appear likely from the experiments which were tried, and, therefore, I would not promise him a single shilling. I could not guarantee the payment of public money under hypothetical circumstances, though I agreed that the cost of the experiments should be defrayed at the public expense. It is not immaterial to observe that this matter has been under the consideration of the Executive Government ever since the year 1834. At one time, when a proposition was made to try the experiments before officers of both branches of the service, Mr. Warner required that Lord Hardwicke and Lord Ingestre should be present, but I decidedly objected to Mr. Warner's appointing any nominees, though no one can entertain a higher opinion than I do of the two noble Lords whose names I have just mentioned. At different periods since the year 1834 the subject has been under the consideration of successive Boards of Admiralty. The correspondence which has passed upon these subjects will best show what really has occurred, and with the permission of the House I propose to read a letter addressed to Colonel Couper, and dated the 8th of July, 1834. It is in these words:—

> "I am directed by Lord Auckland to request you will acquaint Sir James Kempt that an application has been made to his Lordship by Major Fancourt, M.P. for Barnstable, and Commander Warner, of the navy, for permission to have some experiments in gunnery, proposed by Commander Warner, tried before a mixed committee of ordnance and naval officers; and that it is stated to his lordship by Commander Warner, that a promise was made to him some months ago, by Sir James Graham and Sir James Kempt, that an opportunity of trying his experiments should be afforded to him. Commander Warner further states that he will be ready in about a week to appear before a committee."

I shall next read to the House another letter to Colonel Couper, altering, at Mr. Warner's request, the arrangement made by the preceding communication. It is dated the 14th of July, 1834, and is as follows:—

> "There has been, I am sorry to say, some little mistake in the matter of Captain Warner's experiment, about which I wrote to you a few days ago. Captain Warner has been at the Admiralty this morning, and produced a letter from Sir J. Graham, dated the 27th of February last, in which Sir James acquiesces in the proposition made by Captain Warner, that the exhibition shall be a private one, and consequently Captain Warner now objects to its being made at Woolwich. He also wishes that three officers only of each service should be present instead of six, and says that it would be more convenient to him if the day of exhibition were to be fixed for Monday, the 21st, instead of Friday, the 18th. Lord Auckland therefore now proposes to make an alteration in the Admiralty minute to meet Captain Warner's wishes; and I am to request you will move the Master-General to do the same with respect to the ordnance, and to fix Wanstead-park, in Essex (ten miles from London), as the place for the experiment to be tried at, before three officers of each service, on Monday, the 21st inst., at 2 p.m."

I shall now read the official report of what occurred after the time and place had been fixed for trying these extraordinary experiments:

"*Woolwich, July* 21, 1834.

"Sir,—I have the honour to report, for the information of the Master-General, that in obedience to his commands, signified in your letter of the 15th inst., Colonel Williamson, Sir A. Dickson, and myself proceeded to-day to Wanstead-park, to witness the intended experiment of Commander Warner; but after making every inquiry in the neighbourhood we could only at last learn that Captain Warner had left his house at Claybury this morning for London, and that his return was uncertain. Under these circumstances we returned to Woolwich to attend to any further directions which we may receive on the subject.

"I have the honour to be, Sir,
"Your obedient servant,
"A. F. Frazer.
"Colonel Royal Horse Artillery."

"Lieutenant-Colonel Couper, &c."

Thus ended the proceedings of that period. Then came the experiments which were to be tried in the presence of Sir Howard Douglas and Sir Byam Martin, and he met those distinguished officers by declining to try any experiments unless he received a guarantee for 400,000*l.* No doubt there may be, and we know thar there are, compositions capable of producing tremendous results—nitrate of silver, for example. It is well known that a person recently engaged in experiments on that substance was himself blown to atoms, and the building in which he had been trying his experiments very materially injured. It is no new discovery, then, to announce that a combination may be produced more powerfully destructive than any which we now have in ordinary use. But the mode in which this invention is to be applied is a matter of much more difficulty than the question as to the material. Considering the demands which are made upon my time and attention, I must say that I think I have given sufficient consideration to this subject, and I hope that as far as the claim of the right hon. Baronet to a select committee is concerned, I have succeeded in blowing Captain Warner out of the water.

Captain *Plumridge* begged to explain that in seconding the motion he did not intend to throw any reflection upon her Majesty's Government. He knew nothing of Mr. Warner, nor had he had any communication with him upon the subject.

Captain *Pechell* expressed his satisfaction at hearing the speech of the right hon. Baronet; it convinced him that the censures which were passed upon Lord Melbourne and the late Government for neglecting this invention were unfounded. He thought Mr. Warner had nothing to complain of, for when he was requested to attend the Board of Admiralty to explain his invention, he sent his aide-de-camp or friend, so that when the Admiralty were called upon to make a report upon the subject, they had none to make. In an interview which he subsequently had with Sir T. Hastings, he was found to be an impracticable person; it was quite impossible to deal with him. He (Captain Pechell) had always supposed that Mr. Warner had offered his invention to Don Pedro, and now he had no doubt of it. At all events, he believed that the inventor would take it to the best market he could find, without caring for this country. He remembered that once, when engaged in a blockade, he was told to look out for catamarans; but they never arrived, and he always found that when the guard boats were sent out and a good watch was kept, they were of no use. He supposed much the same danger was to be apprehended from this invention of Mr. Warner's, although he had boasted that he could destroy a ship of the line at six miles distance, and knock down Portsmouth battery from the Isle of Wight; but he did not say whether he was to go to the farther side of the island and fire his projectile through it. He thought it might be put on a par with the inventions of Mr. St. John Long, of which the hon. Baronet had some knowledge and experience. He was happy to see that the present Government, as well as their predecessors, treated this matter as it ought to be treated, and he trusted that the committee would not be granted, for it was not probable that the hon. Baronet could obtain any more information on the subject from Mr. Warner than had been obtained already.

Sir *G. Cockburn* said, that since he came into office he had been requested to name two officers to superintend the trial of Mr. Warner's invention, and he had accordingly named two officers well known to that House and the country—Colonel Pasley and Sir T. Hastings. Mr. Warner, however, on hearing the names, objected. He felt it his duty to state this, in addition to what had been said. He had also to state, for the honour of the profession to which he belonged, that Mr. Warner was not, as he had been styled in the papers read by his right hon. Friend, a Commander in the navy. Mr. Warner had told him that his late Majesty promised him a high rank in the navy, but on his (Sir G. Cockburn) asking Mr. Warner whether he had served his time in the navy, he answered that he had not served his time in the navy.

Sir *F. Burdett*, in reply, said, that he did not think anything important had been advanced against the statements of Mr. Warner; but he thought that all the facts would be much better discussed and brought out in a committee than in a cursory debate like this. Many misrepresentations and false stories had been circulated, to the prejudice both of the inventor and his invention; but Sir T. Hardy, Sir R. Keats, and his late Majesty had all expressed their approbation of the invention, and they were not light authorities. No doubt the matter would have been satisfactorily settled long ere this had it not been for the death of the late King. He thought that, under all the circumstances of the case, it was nothing but fair that Mr. Warner should have an opportunity of explaining what he had done, and what he could undertake to do; for the real question, after all, was whether or not he could do what he professed. Some of the highest living authorities, as well as some who were gone, had spoken in approbation of the plan of Mr. Warner, who, instead of being, as some would insinuate, a visionary, was a most sensible and strong-minded man. He could not consent to withdraw his motion.

The House divided:—Ayes 2; Noes 72; Majority 70.

List of the AYES.

	TELLERS.
Cave, hon. R. O.	Burdett, Sir F.
Colvile, C. R.	Plumridge, Capt.

[It seems sufficient to insert the Ayes only on this division.]

MINING APPRENTICES.] Lord *Ashley* begged to remind the House that a commission had been appointed in August, 1840, to inquire into the employment of children in mines and collieries. The Members of that commission entered into an investigation of the moral and physical effects of labour upon the children: but omitted to include, because not directed by the form of their appointment, any inquiry into the terms upon which that labour was obtained. Much uncertainty and doubt, therefore, prevailed upon this point, which it was necessary to remove. He understood, that to make the binding of a parish apprentice legal, it was necessary that the consent of two justices should be obtained, and that a stamp duty of 1*l.* on the indentures should be paid wherever the premium amounted to 30*l.* The courts had decided that no indentures were valid without compliance with these conditions. He had been informed that the provisions of the law in these respects had not been observed, and that of 20,009 apprentices the agreements relating to the great majority were merely verbal, or upon ordinary pieces of unstamped paper. It was an important question, therefore, how far the law had or had not been observed; how far the servitude had been imposed with the observance of the required forms, and for this purpose he submitted the following motion, of which he had given notice:—

"That an address be presented to her Majesty, praying that her Majesty will be graciously pleased to direct that the commissioners, appointed in answer to an address of this House on the 4th day of August, 1840, for inquiring into the employment of children in mines and various other branches of industry, be desired to make further inquiry as to the number and ages of children and young persons employed as apprentices to miners of coal and of iron, (whether owners, lessees, undertakers, or workmen, however designated); also, as to the manner of their apprenticeship, whether by regular indentures, or by what other forms of agreement; as to the terms of such indentures or agreements, and as to the manner in which such indentures or agreements are observed or enforced."

Sir *James Graham* said, that the inquiry of the commissioners had been closed, and that the sum devoted to the investigation had been expended. He was not disposed to regret that it was exhausted, because he could not but suppose that the required information had all been obtained, though it might not all have been laid before the House. He apprehended that the terms of apprenticeship must have been included, and in this expectation he was ready to agree to the motion of the noble Lord, with the alteration of a single expression. Instead of desiring the commissioners to make further inquiry, they ought to be directed to report on the omitted topic.

Viscount *Palmerston* was of opinion that the better course would be, to direct the commissioners either to report or to make further inquiries if necessary. They might, as the right hon. Baronet supposed, be in possession of the information, but if not they might obtain it. The difficulty, as to money, did not seem insurmountable, inasmuch as the House had recently voted 130,000*l.* for civil contingencies: that sum was meant to meet unforeseen services, and the expense of the renewed investigation might be defrayed out of it.

Sir *J. Graham* replied, that the civil contingency vote was intended, as the noble Lord stated, for unforeseen services; this commission would be a foreseen service, and, therefore, could not be included. The commission consisted of twenty persons, four of whom received 500*l.* each, with a paid secretary.

Viscount *Palmerston* proposed to add to the motion, the words, "That this House will make good the expense of such an inquiry."

The *Speaker* observed that the intervention of a committee of the whole House would, in that case, be necessary.

Mr. *Hume* thought, that the necessary information must be in the possession of the commissioners. If not, the investigation ought to be completed, and it might be left to the Government to decide in what way.

Sir *J. Graham* was as desirous as the noble Lord (Lord Ashley), that the required information should be stated in a report. If the inquiry had been properly conducted, he apprehended that the commissioners were in possession of the knowledge which would satisfy the wishes of the noble Lord. If it turned out that they had not obtained it, it would be his (Sir J. Graham's) duty to procure it. All he was anxious for was, that this should not be made a standing commission.

Lord *Ashley* was quite ready to leave the matter in the hands of the right hon. Baronet. All he wanted was the information, and he did not think that it would be found that it had been procured by the commissioners, and not reported by them. When he made the motion, in 1840, it had not occurred to him that that part of the inquiry would be necessary.

Sir *J. Graham* said, that, with the insertion of the words, "Do report to the House, and make further inquiry, if necessary," he should not object to the motion.

Motion, as amended, agreed to.

PUBLIC MEETINGS.—STAFFORD GAOL.] Mr. *T. Duncombe* said, it was with extreme regret that he felt himself compelled to call the attention of the House once more to the imprisonment of Mr. Mason and several working men now confined in Stafford gaol, but having undertaken the cause of these ill-used individuals, he should ill discharge his duty either to them or to the public, if he allowed the Session to close without directing the attention of the Government to the important question involved in their case; for he must maintain, that as long as those men remained in prison, so long would the rights of the subjects of this country to hold public meetings be in abeyance. Having entered very fully on a former occasion into the particulars of the case, he would not trouble the House by a repetition of them. But the doctrines which had recently been laid down by the right hon. Baronet the Secretary of State for the Home Department, and which he was sorry to think had met with the sanction of a large majority of the House, were of the most dangerous description. According to that doctrine, a constable was invested with the power of deciding upon the legality or illegality of any public meeting of the people; and that such constable, upon his own responsiblity, could dissolve any such meeting, if, in his opinion, any speaker used language which he considered seditious. The meeting held at Sedgeley, where Mason was interrupted by Beman, the constable, was perfectly legal, and if death had happened to Mason, by being dragged off the bench, nothing could have saved Beman from being tried for murder. If the language used by Mason at that meeting was seditious, and was sufficient to justify the constable to interfere and disperse the assembly, why did not the police break in and disperse other bodies of men, at whose meeting language infinitely stronger than any that Mason used were daily to be heard? Why not break in and disperse the meeting of the delegates of the Anti-Corn-law League, which was held daily within a stone's throw of the House of Commons? The doctrine put forth by the right hon. Baronet was similar to that held by the magistrates, and the presiding justice at the trial of Mason and others, in his summing-up to the jury, and was wholly irreconcileable with the spirit of the British Constitution. After such an address, he (Mr. Thomas Duncombe) could not blame the jury for the verdict they returned. The whole question resolved itself into this — what was the power of the constables? The consequence of the interference of Beman was, that the meeting was dispersed, and these men were committed to prison—Mason for six months, some for four months, and others for two months. Mason was a man of respectable station, and a lecturer; but the others were working men, with large families. Much to the credit of the people of Sedgely and Stafford, they, without distinction of party politics, being impressed with the hardship of the imprisonment of these men, had raised a subscription to maintain their families. This showed that the public were by no means impressed with the belief that these persons were justly punished, and that the feeling of the people was hostile to the magistrates. Under these circumstances, he had a right to call upon the House to interfere, and express some opinion upon the subject. He might be told, that this was an interference with the prerogative of the Crown. That was the old story. Anything that was at all inconvenient or unpleasant to the Minister of the day, was always called an interference with the prerogative of the Crown. But it was the duty of the House of Commons to advise the Crown upon every subject, and more particularly upon a subject affecting the rights and liberties of the people. No public meeting could be held during the ensuing winter—when, from the extreme distress which prevailed, it might be expected that the people would assemble together to discuss the cause of their sufferings—if the doctrines of the right hon. Baronet, the Secretary of State for the Home Department, of Mr. Wemlow the magistrate, of Beman the constable, of Mallelieu the inspector, and of Mr. Jeremy, the police-magistrate, were correct. Without troubling the House further, he would merely say, that if the right hon. Baronet would give an assurance that the cases of these men should be taken into consideration, he should be happy to leave it in his hands; but if no promise were given that this case would meet with the merciful consideration of the Crown, he should only be discharging his duty in asking the House to agree to the address which he was about to propose. The Session was about to close, during which they had done many acts of great injustice towards the people: he now wished, before they separated, to give them the opportunity of doing one act of grace; and they could not do a better act of grace than to address the Crown for the release of these men from prison—men whose incarceration had been effected by an immense straining of the existing law. Under these circumstances, he begged leave to move, that an humble address be presented to her Majesty, praying that her Majesty will be graciously pleased to take into her Majesty's merciful consideration the case of John Mason and seven working men, confined in Stafford gaol, with a view to their immediate discharge.

Sir *James Graham* expressed his regret that the hon. Gentleman should have considered it necessary again to bring this particular subject under the notice of the House, more especially in the form in which he had now presented it, because he (Sir J. Graham) would be very sorry to sanction any course which might interfere with the impartial administration of the law. This was the third occasion upon which it had been his duty to resist motions made by the hon. Gentleman upon subjects of this description. On the first occasion he (Sir J. Graham) contended that the object of the hon. Gentleman was to make the House of Commons a court of appeal from the ordinary courts of judicature. The hon. Gentleman himself admitted that he meant to impugn the conduct of the magistrate who authorised the prosecution, and he also impugned the summing-up of the presiding magistrate at the trial. This was a distinct admission that he did seek to make the House a court of appeal from the courts of legal jurisdiction of the country. He would not deny that in extreme cases, where malversation of the judge might be alleged, it was competent for the House of Commons, in the exercise of its highest functions, to interfere; but he could not discover that upon this occasion the hon. Gentleman had the slightest ground to impugn the motives or the conduct of the magistrate or the presiding judge. The hon. Gentleman had said that if death had ensued by the interference of Beman, the constable at Sedgeley, he (Bemen) would have been guilty of murder. But that was a begging of the whole question; because, if the meeting were illegal and death had ensued, it would have been justifiable homicide. The only question hinged upon this point—whether the meeting was legal or not. Upon that question there was the verdict of the jury and the summing up of the chairman, who was a barrister of many years' standing—a man conversant with criminal trials—of unimpeachable character, of great experience, and who had presided at the sessions of the county of Stafford for ten or eleven years. The strong presumption, therefore, was in favour of the verdict of the jury, and of the correct summing-up of the judge. He did not think this was a case in which the House would act wisely in converting itself into an appellate tribunal upon the criminal laws of the country. The Executive Government, in advising the Crown to administer justice in mercy, must have regard to the circumstances of each case. In the case of Mr. Mason, who, as the hon. Member had said was not a working man, but a hired and paid lecturer, he (Sir J. Graham) had heard statements which very much impressed his mind. That person had gone into Staffordshire among a people who were in a state of considerable excitement, where there were large bodies of men out of employment; some from conduct of their own, which he (Sir J. Graham) could not justify; and others under circumstances more to be regarded with compassion than to be visited with severity; and there among these persons this Mr. Mason had, to say the least, used very indiscreet language, such as was calculated to exasperate rather than appease the people. He considered that persons so acting were deserving of great censure. He (Sir James Graham) could not compromise the unfettered discretion of the Government under these circumstances, and he hoped the majority of the House would support him in resisting the motion.

Mr. *Hawes* thought, under the circumstances, this case was one which it would well become the right hon. Baronet opposite, and his Colleagues, to bring under the merciful consideration of the Crown. He did not approve all that had been said by Mason, but he thought the fact of his being a paid lecturer ought not to excite a prejudice against him. He considered that the constable who seized Mason had interfered very improperly at the meeting. He had frequently attended similar meetings, and he would, when he considered it his duty, attend such meetings in future. He hoped the people would not be deterred by what had occurred, with reference to this case, from attending public meetings, and freely expressing their opinions, even though they might do so in somewhat strong language. Indeed, the exercise of this right constituted one of the safeguards of the liberties of the people. It was something new to be told that such meetings were unlawful; and he was still more surprised that it should be stated, on high authority, that constables were to be constituted the judges of their legality or illegality. He was convinced that all moderate men entertained strong objections to the interference of the police at meetings of the people, without just and sufficient cause; and he had been greatly surprised that such a doctrine should be held by a Minister of the Crown, as that which had been advanced by the right hon. Gentleman opposite.

Mr. *R. Yorke* would in that House, in his capacity of a Member of Parliament, adopt the very words used by these men, and he would repeat them at the first public meeting he attended. As he understood the case, the magistrates had proposed a compromise to these men; the magistrates had sent to them the night before the trial, and had proposed that if they would plead guilty, they should either have no punishment or a very slight one. This case seemed to him, in a constitutional point of view, to be of a very grave complexion; it could not be too often brought forward, and he trusted that the hon. Member for Finsbury would persevere in his motion, and take the sense of the House upon it.

Mr. *Brotherton* recommended his hon. Friend not to press the motion to a division, for he thought the right hon. Gentleman must be convinced that something should be done, and he would rather trust to the right hon. Gentleman's consideration of the case than to any expression of opinion by a division.

Mr. *T. S. Duncombe* hoped, after all that had been said, that there would be no objection to his motion, and that the House would assent to it, more particularly as he had heard nothing from the right hon. Gentleman opposite to induce him to withdraw it. The right hon. Baronet admitted, that it was the privilege of the House to express an opinion, although the House ought not to interfere on light grounds. He (Mr. Duncombe) said, that this was no light matter when working men with from two to eight children were deprived of their liberty unjustly. He said, that they had not violated any law; the Government did not say, that they had violated any, and it was evident, that the magistrates thought they had not, otherwise they would not have offered a compromise. The men refused the offer; they would not in their persons compromise the right of the people to meet and discuss their grievances. He regretted to find, that since he had noticed this case, the treatment of the prisoners was more severe—that they were now forbidden to see their friends, and that notice was even sent to Mason that he should not see his wife. This made him think, that these proceedings were instituted by the magistrates of Staffordshire for party purposes. He knew that his noticing the case in the House, or that anything he might do would not injure the case of these men with the right hon. Baronet. He was in the hands of the House, but it should be by no consent of his that these honest men continued one moment longer in prison.

The House divided.—Ayes 30; Noes 53: Majority 23.

List of the AYES.

Aglionby, H. A.
Barclay, D.
Bowring, Dr.
Brotherton, J.
Buller, C.
Cave, hon. R. O.
Cobden, R.
Dalmeny, Lord
Duncan, G.
Ebrington, Visct.
Gibson, T. M.
Gill, T.
Heathcoat, J.
Hill, Lord M.
Hume, J.
Humphery, Mr. Ald.
Mangles, R. D.
O'Connell, D.
O'Conor, Don.
Pechell, Capt.
Philips, M.
Scholefield, J.
Scott, R.
Smith, B.
Tufnell, H.
Turner, E.
Villiers, hon. C.
Ward, H. G.
Wood, B.
Yorke, H. R.

TELLERS.
Duncombe, T.
Hawes, B.

List of the NOES.

A'Court, Capt.
Arkwright, G.
Baird, W.
Baldwin, B.
Baring, hon. W. B.
Bateson, R.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Cockburn, rt. hn. Sir G.
Collett, W. R.
Cripps, W.
Dick, Q.
Eliot, Lord
Flower, Sir J.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Gore, M.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greene, T.
Hamilton, Lord C.
Hardinge, rt. hn. Sir H.
Henley, J. W.
Hodgson, R.
Hogg, J. W.
Hope, hon. C.
Howard, P. H.
Jermyn, Earl
Knatchbull, rt. hn. Sir E.
Langston, J. H.
Lockhart, W.
Lygon, hon. Gen.
Masterman, J.
Nicholl, right hon. J.
Palmer, R.
Peel, right hon. Sir R.
Polhill, F.
Pollock, Sir F.
Praed, W. T.
Round, J.
Sanderson, R.
Sutton, hon H. M.
Taylor, T. E.
Thompson, Ald.
Tollemache, hn. F. J.
Trench, Sir F. W.
Verner, Col.
Vivian, J. E.
Wilmot, Sir J. E.
Young, J.

TELLERS.
Fremantle, T.
Pringle, R.

THE RAJAH OF SATTARA.] Mr. *Hume* rose to make the motion of which he had given notice, in reference to the case of the Rajah of Sattara. He said, the circumstances connected with the deposition of that Prince, had received less public attention, both in India and this country than they deserved. He should have thought that the very misfortunes of the Rajah entitled him to general sympathy; and when it was considered that he was one of a long line of princes who had been at the head of the Mahratta empire, some little attention should be paid to his demand for redress. He contended that the prince had been most unjustly treated, and that the conduct of the East-India Company towards him was anything but creditable to them. The conduct of the Rajah of Sattara, as an ally of the British Government, had gained for seventeen years, the entire approbation of the directors of the East-India Company. What had produced the change? He had been charged with interfering with the native seapoys; but how little was there to fear from him, over whose district the Bombay forces were thickly scattered! Then there was a commission to inquire into those charges. That inquiry was secret; the Rajah had no opportunity of defending himself; and evidence was received from persons of the most suspicious character. The steps taken to obtain evidence were such as in any part of India would procure evidence against the most respectable men in that country. The hon. Member concluded by moving:—

> "That an humble address be presented to her Majesty, that she will be graciously pleased in conformity with the prayer of the petition presented to this House by Purtaub Shean, the deposed Rajah of Sattara, now a state prisoner at Benares, to direct that a full investigation of the charges preferred against him be made before her Majesty's Privy Council, upon the evidence taken in India and sent to the Court of Directors of the East-India Company; which evidence the Rajah has never had an opportunity of seeing or answering, in order that he may receive that justice which, as he states, 'had his lot been that of a peasant, he would have had a right to claim from the laws of the British realm.'"

Dr. *Bowring* seconded the motion. He believed that the Rajah of Sattara was a most injured individual, and he felt persuaded that when the whole of the evidence was fully and fairly considered, an effort would be made to repair the injustice of which he had been the victim.

An Hon. *Member* moved that the House be counted.

House counted out and adjourned at a quarter to eleven o'clock.

HOUSE OF LORDS,

Friday, August 5, 1842.

MINUTES.] BILLS. *Public.*—2ª· Tobacco Regulations; Designs Copyright; Slavery (East Indies); Bribery at Elections (No. 2); Slave Trade Suppression; Militia Pay.

Committed and Reported.—Dublin Boundaries; Four Courts Marshalsea (Dublin).

Reported.—Imperial Bank of England.

3ª· and passed:—Limitation of Actions (Ireland); St. Asaph and Bangor Preferments; Colonial Passengers; Double Costs; Slave Trade Suppression Act Suspension; Parish Constables; Rivers (Ireland).

Received the Royal Assent.—Stamp Duties Assimilation; Assessed Taxes (No. 2); Stamp Duties; Lunacy; Licensed Lunatic Asylums; Court of Exchequer (England); Western Australia; Primrose Hill; Joint Stock Banking Companies; St. Briavel's Small Debts; Grand Jury Presentments (Ireland); Drainage (Ireland); Game Certificates (Ireland); Crawfurd's Estate; Duke of Buckingham's Estate; Lord Dinorben's Estate.

PETITIONS PRESENTED. By Lord Campbell, from Catholic Printers, in favour of the Copyright of Designs Bill.—From the Clergy of Down and Connor, for the Encouragement of Schools in connection with the Church Education Society.

BRIBERY AT ELECTIONS.] Lord *Campbell* moved the second reading of the Bribery at Elections Bill, and briefly stated its nature and object. It was, the noble and learned Lord observed, intended to prevent as much as possible the recurrence of numerous instances of bribery and corruption such as had prevailed of late to so great an extent. Amongst its principal enactments were the abolition of treating before the test of the writ, or after the return, by having them considered as equivalent to bribery. Payment of head-money was to be regarded in the same light, and in cases of "compromise," where charges of bribery had been brought and abandoned, the election committee was to have power to inquire into them, and, if it thought proper, to examine the candidates and agents, but subject to the ordinary rules of evidence, by which a man was not bound to criminate himself. He could wish that the bill had gone a little further, and abolished the bribery oath, which, for purposes of preventing bribery, was worse than useless. He did not believe it possible to prevent bribery in every case, but to prevent it to a great extent would be most desirable, and in that way he expected much good from the working of this bill.

Lord *Brougham* expressed his full approbation of this bill as far as it went. He agreed with his noble and learned Friend that the bill would do much good—but he wished, with him, that it had been carried much further. For instance, he thought it would be most desirable to abolish the bribery oath, for the effect of that oath was, not to diminish bribery, but to increase perjury. He should like, also, that bribery, when clearly established against a candidate, should be a disqualification of him for life for a seat in Parliament. No such object, however, seemed to have been broached by the framers of this bill. He had not gone through the voluminous mass of evidence which had been reported by election committees this Session, because the greater portion of it had not yet been printed; but there was one report which he had read. It occupied three pages, and if it was to be taken as a specimen of the mode of proceedings in the other committees, it certainly did leave much to desire by way of improvement in the system of election committees. The committee, he found, had the same constituent parts as other election committees. There were at one side three gentlemen professing one set of political principles, on the other three gentlemen of antagonist principles, and the gentleman who presided over and formed one of this tribunal might have belonged to either party according to the system, but in this particular case he was a Whig. On looking over the report of the proceedings, he found that there had been three divisions in the committee. On each of these divisions (one of which was to decide the most important question—whether the sitting Members were to be unseated), the numbers were three at each side. Nothing could appear more fair and impartial than such an equal division; but on examining more closely it was found, that the three at one side were composed of men of one party, and the three at the other side were of the opposite political party. In this equal division the vote of the chairman alone could decide, and he gave it conscientiously no doubt, and it was no disparagement to him to state, that it so happened that on each of those three divisions the opinion of that gentleman coincided exactly with those of the three gentlemen who belonged to his own political party. He did not blame any hon. Member for being found at one side or the other of those divisions. If blame lay anywhere, it was the system which threw them into such curious positions. From all that he had been able to learn relative to this Ipswich committee, it seemed to him to present no exception whatever to the conclusion which he had formed relative to preceding cases from perusing the votes of the other House of Parliament, that in eleven cases out of twelve, and now he might say in twelve out of thirteen, the decision of the committee was determined by the opinion of the chairman, half the Members regularly voting one way, and half the other. He hoped that what had passed in these committees, and the new light which had been lately thrown upon their proceedings, would make clear the justice, expediency, and he might say decency, of the House of Commons parting with the jurisdiction which he would not say a committee of that House was always more incapable of satisfactorily or justly exercising than any other body that could be named, but of which the public mind had received the unalterable and indelible impression, that the House of Commons never could exercise it with satisfaction to the country. There was no good reason why a committee of the House of Commons should be different from all other tribunals, which held it not only necessary to do substantial justice, but to satisfy the country that they did dispense substantial justice—justice, not only pure, but unsuspected.

Lord *Campbell* said, that as the country had already had a Grenville Act and a Peel's Act, settling the law relative to elections, he now hoped they would have a Brougham Act. There was no reason why such a measure should not be introduced into that House, explained and supported by his noble and learned Friend, and accepted by the Commons.

Bill was then read a second time.

Their Lordships adjourned.

HOUSE OF COMMONS,

Friday, August 5, 1842.

MINUTES.] BILLS. *Public.*—1°. Slave Trade Suspension (Portuguese Vessels); Limitation of Actions (Ireland); Health of Towns.

Committed.—Bankruptcy Law Amendment; Newfoundland; Coventry Boundary; Law of Evidence; County Courts.

Reported.—Consolidated Fund; Exchequer Bills.

3°. and passed:—Ecclesiastical Corporations; Court of Chancery Offices; Canada Loan; East India Bishops.

Private.—Reported.—Sewell's Divorce.

3°. and passed:—Cauvin's Estate; Street's Divorce.

PETITIONS PRESENTED. By Mr. Broadley, from Hull, Herbert Sturmy, and Vice-President of the Chamber of Commerce, Manchester, to postpone the Bankruptcy Law Amendment Bill.—By Mr. Stuart, Mr. Mackinnon, Mr. D. Barclay, and Sir H. Douglas, from Wine Merchants of Colchester, Bedford, Bury St. Edmund's, and other places, for an allowance on their Stock-in-Hand.—By Mr. Lefroy, from Tuam and Rathcoony, for an Alteration in the System of Education (Ireland).—From Needham Market, Stansfield, and Stowmarket, to substitute Affirmations for Oaths.—From the Grand Juries of Longford, and Donegal, against placing Medical Charities (Ireland) under the control of the Poor-law Commissioners.—By Mr. Brotherton, from Rochdale, to extend the County Courts Bill to Lancashire.—From P. Byott, the elder and younger, for Compensation under the County Courts Bill.—By Sir Thomas Fremantle, from Manchester, to enable Lancashire to participate in any Grant for the Encouragement of Vocal Music.—By Mr. M. Philips, from Manchester, against the Bankruptcy Law Amendment Bill.—By Mr. M. Gibson, from Liverpool, for prohibitory Duty on the Importation of Manure.—From J. H. Elliott, for Amendment of the Bankruptcy and Insolvent Laws. By Mr. Villiers, from Sudbury, for the Repeal of the Corn-laws.—From Schoolmasters of Chirmside, Aberdour, Weem and Alford, for the amelioration of their Condition.—From the Grand Jury of Meath, for the Prevention of Sheep Stealing.—From London, and Creditors of E. J. Glynn, for Amendment of the law of Bankruptcy.

NEWFOUNDLAND.] On the motion of Lord Stanley, the House went into committee on the Newfoundland Bill.

On the 6th clause, her Majesty empowered " to abolish the Legislative Council of the said island as a distinct branch of the Legislature,"

Mr. *O'Connell* rose to move the omission of those words. He said, that as he had on former occasions brought forward many arguments, unfortunately without effect, to induce the House to reject this measure entirely, he would not again press those arguments on the attention of hon. Members. He had been overpowered by numbers; but his conviction of the injustice and impolicy of this bill remained unshaken. He strongly protested against this mode of proceeding with any of the colonists, however insignificant the colony might be as compared with the importance of others. He never would consent that the constitution of any colony should be overthrown without investigation, without witnesses being examined, without individuals being fully and fairly heard against a measure that materially abridged their political rights. The annihilation of the separate Chambers of Legislation which would be effected by this bill was a proceeding that could not be too strongly condemned. Until lately, this mode of legislating with only one chamber was unknown in our colonies. It was founded on a bad principle, and that principle might be carried much further than the noble Lord wished or expected. It was at all times dangerous and unconstitutional, but it was exceedingly dangerous in relation to the time in which they lived. They knew what had occurred when all power was centred in the English Parliament. Civil war, bloodshed, and ultimately the extinction of the Crown and the abolition of monarchy were the fruits of that event. That was a precedent not to be respected, and certainly not to be repeated. He protested against the proposed alteration in the constitution of Newfoundland, and on that question he should take the sense of the House. There was not a more loyal people on the face of the earth than the people of Newfoundland—no people could feel a more firm affection for the Throne and for the Sovereign; and the reward of their loyalty was to be the annihilation of the popular part of their constitution. There was not a tittle of evidence in support of the proposed change, and he should ever contend that, in making it, Newfoundland was treated with gross injustice.

Lord *Stanley* agreed with the right hon. Gentleman that it was not advisable, generally, to carry on the legislature by means of one Chamber only; but under the present circumstances of this colony, where one House constantly rejected the bills of the other, he thought it would conduce to the more harmonious management of the affairs of the colony, if they were to merge the two Chambers into one. He felt confident it would be for the benefit of the colony to abolish the Legislative Council as a distinct Assembly. The right hon. Member was not correct in supposing that those in the Council who were nominees of the Crown, would be at the control of the Crown. He could assure the right hon. Gentleman that there were few bodies so difficult to control by the Crown as this, though they held their appointments at the discretion of the Crown; and the reason was, that the remuneration was not great, and the appointments were far from being sought after. As far as the Crown, therefore, was concerned, the right hon. Gentleman need be under no apprehension of the ten members who were appointed by the Government being unduly influenced.

Mr. *V. Smith* said, that in giving his vote in favour of this clause, he did not wish to be understood as in any way sanctioning the permanent abolition of the Legislative Council. The noble Lord had at his (Mr. V. Smith's) desire, introduced a clause making this a temporary measure; it was, in fact, merely an experiment, such as had been tried in New South Wales and Australia. He did not participate in the Conservative fears of his right hon. and learned Friend, that if they abolished the Legislative Assembly in Newfoundland, the same step would follow here, and that we should proceed to do away with the House of Lords. He certainly thought there was no ground for any such Conservative apprehension. He would, however, beg to suggest, that in this clause, it would be as well to preserve the number as it already existed in the Legislative Council. He wished to ask the noble Lord whether it was meant that those of the Legislative Council who sat in the United Assembly should be moveable by the Governor from their seats in the United Assembly? He wished to know whether that was intended, as he thought the clause would have that effect? Guarding his vote by the assumption that this was only a temporary measure, he should record it in favour of the noble Lord.

Mr. *P. Howard* opposed the principle of the bill. On the principle of the recommendation of Lord Ripon, the reduction of the official men in the Assembly to three or five, would give the Government all it could desire, while so small a number could not control or overwhelm the deliberations of the Assembly. This course would be better than swamping the public voice by a side-wind, and reducing the political privileges of the people to a mere nullity.

Mr. *Hume* said, the inhabitants of Newfoundland were unheard and unrepresented, and the House was now about to deprive them of the greatest of privileges —that of managing their own affairs. If this disfranchisement were to be applied to any one English borough, there was not a Member who would not be ready to cry out against its injustice. He was prepared to prove, that all that had been alleged against the constituencies, were gross exaggerations. The hon. Member read an extract from their petition, stating that they believed, if the constitution was to be abolished, it would be better that the affairs of the colony should be entirely managed by a committee appointed by the Government. Let them not think this oppression would be exercised without endeavours by the colonists to regain their rights and liberties. No abrogation of the constitution whatever ought to be made; and, therefore, he should, with great pleasure, support the amendment, and join his hon. Friend in his exertions to obstruct, by every possible means, the progress of this bill.

Mr. *Wyse* gave his most strenuous opposition to the clause. The amalgamation of the two legislative bodies would deprive the people of Newfoundland of their just and legal rights, and would have a very injurious effect upon the other colonies of the empire.

The committee divided on the question, that the words proposed to be left out, stand part of the bill:—Ayes 80; Noes 18: Majority 62.

Mr. *O'Connell* wished the number of the nominees appointed by the Crown to be five instead of ten; he should, therefore move, that the words "one-fourth" should be substituted for the words "two-fifths."

Lord *Stanley*, in opposing the amendment, said that under the new constitution, he had left to the popular will a majority of the members of the council—15 to 10; but he could not consent to give to the popular will such a majority—15 to 5—as would enable it at any time to ride over the Representatives of the Crown and of the aristocratic classes.

Mr. *O'Connell* said, that the influence of the representatives was not to be measured by the mere rule of vulgar arithmetic.

Mr. *Wyse* urged that some of the representatives of the people would always support the nominees of the Crown, and with so small a difference as that between fifteen and ten would give to them a certain majority on all occasions.

Mr. *V. Smith* opposed the amendment, but he did not exactly approve of the numbers proposed in the clause. He thought that the numbers ought to have remained the same as they now where, but he could not support so great a diminution as that proposed by the right hon. the Lord Mayor of Dublin

Mr. *Hume* said, that the representatives of the people had formerly gained a mere majority—only just a majority—but with the ten nominees of the Crown against them, they would always be in a minority. The noble Lord had called those nominees a check, and only a check upon the people, but would the noble Lord leave to the people that which was everywhere admitted to be their right, an absolute disposal of the taxation of the colony, and prevent the nominees of the Crown from voting on any question of supply? The noble Lord was establishing an oligarchy, than which he would prefer that the affairs of the colony should be managed by a board sitting in Downing-street.

The Committee divided on the question that the words two fifths stand part of the clause—Ayes 82; Noes 21: Majority 61.

List of the AYES.

Acland, T. D.
A'Court, Capt.
Allix, J. P.
Arkwright, G.
Baird, W.
Bentinck, Lord G.
Blackburne, J. I
Bodkin, W. H.
Boldero, H. G.
Botfield, B.
Broadley, H.
Bruce, Lord E.
Burrell, Sir C. M.
Clayton, R. R.
Clerk, Sir G.
Corry, rt. hon. H.
Cresswell, B.
Damer, hon. Col.
Darby, G.
Douglas, Sir H.
Douglas, Sir C. E.
East, J. B.
Eliot, Lord
Estcourt, T. G. B.
Flower, Sir J.
Follett, Sir W. W.
Ffolliott, J.
Forbes, W.
Forester, hn. G. C. W.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Gore, M.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grant, Sir A. C.
Grogan, E.
Hamilton, W. J.
Hardinge, rt. hn. Sir H.
Henley, J. W.
Hervey, Lord A.
Hodgson, R.
Hogg, J. W.
Hope, hon. C.
Hussey, T.
Inglis, Sir R. H.
Jermyn, Earl
Joliffe, Sir W. G. H.
Jones, Capt.
Kemble, H.
Knatchbull, rt. hn. Sir E.
Lacelles, hon. W. S.
Lefroy, A.
Lincoln, Earl of
Lockhart, W.
Lowther, J. H.
Lyall, G.
Lygon, hon. Gen.
Mackinnon, W. A.
Marsham, Visct.
Masterman, J.
Meynell, Capt.
Munday, E. M.
Nicholl, rt. hon. J.
Palmer, R.
Palmer, G.
Peel, rt. hon. Sir R.
Peel, J.
Polhill, F.
Pollock, Sir F.
Pringle, A.
Repton, G. W. J.
Sandon, Visct.
Stanley, Lord
Stewart, J.
Sutton, hon. H. M.
Trench, Sir F. W.
Trotter, J.
Vernor, Col.
Wortley, hon. J. S.
Young, J.

TELLERS.

Freemantle, Sir T.
Baring, H.

List of the Noes.

Aglionby, H. A.
Bowring, Dr.
Brotherton, J.
Browne, hon. W.
Cobden, R.
Duke, Sir J.
Duncan, G.
Fitzroy, Lord C.
Hawes, B.
Hume, J.
Parker, J.
Pechell, Capt.
Plumridge, Capt.
Scholefield, J.
Seymour, Lord
Smith, rt. hon. R. V.
Turner, E.
Williams, W.
Wood, B.
Wyse, T.
Yorke, hon. H. R.

TELLERS.

O'Connell, D.
Howard, P.

[Second Division. We give the names on this division as the most numerous. The Members who voted on the other divisions being the same it was superfluous to repeat them.]

Lord *C. Fitzroy* moved the introduction into the clause of the words "that such Members of Council shall not vote on any question of supply, finance, or of taxation."

Mr. *O'Connell* supported the amendment.

Lord *Stanley* opposed the motion. The tendency of the Commons of Newfoundland was to vote liberally towards public improvements. The clause was altogether intended to operate as a check on their too great liberality.

The committee divided on the question that the words be inserted—Ayes 22; Noes 79; Majority 57.

On the motion that the clause do stand part of the bill the committee again divided:—Ayes 79; Noes 25: Majority 54.

House resumed. Bill to be reported.

Ribbonism—Armagh Assizes.] Mr. *O'Connell* said, that he believed he could now make the motion of which he had given notice respecting the late trial for Ribbonism at Armagh. His object was not to pronounce any premature censure upon the Government as connected with the transaction in question. He thought there could possibly be only one opinion as to the nature of those transactions, especially as to the employment of the witness Hagan. The only question appeared to be, upon whom did the responsibility devolve? If the misconduct was to be attributed to the magistrates and witnesses, they would be liable to censure, and without anticipating any connexion between the Government and those parties, if the Government sanctioned the conduct of those witnesses, he thought he would be safe in saying that the House would be unanimous in censuring such conduct. He did not suspect that the noble Lord (Lord Eliot) participated in those transactions. The mode in which he personally conducted himself in Ireland precluded such a notion. It was not for him to speak in terms of flattery of the noble Lord, but he might speak of him as an act of justice, and he was sure if the noble Lord had more power, there would be no cause for complaint. The trial at Armagh was one of Ribbonism, and as that was an expression fortunately not known in this country, he would state what the nature of that offence was. It was a crime committed by persons who entered into secret societies, and made use of signs or pass words for the purpose of being able to recognise each other. There did not appear to be any defined object of these associations of persons. It was, however, certainly, a highly criminal association, and he knew no man who was really a friend to Ireland, who had not exerted himself to put down these societies. He begged the House to keep in mind that the possession of pass-words made the person liable to transportation. Four persons were tried at the last Armagh assizes; two witnesses were produced to procure a conviction; one of these was a man named Hagan, who had acted as a spy upon the prisoners; he pretended to be a Ribbonman, he joined them; made himself acquainted with their secrets and their pass-words, and this he had done for the express purpose of denouncing them. The hon. and learned Gentleman read the evidence of Hagan, the approver, to the effect that the magistrates were aware of his proceedings, and that he had made Ribbonmen by the hundred. He invented sixty-three classes of pass-words, and disseminated large quantities of illegal papers, the mere possession of which was a transportable offence. Now they were to take every word this man had sworn as true; though it was difficult, yet as it had the sanction of the jury, they could not do otherwise. In the next place the Government must also have believed it, for they had transported the persons convicted on that evidence. All he required was, that the correspondence between the magistrates and this man, or the magistrates and the Government, should be produced. He did not believe for one instance that the noble Lord had the least knowledge of any transactions of this description. No man who sat on the other side of the House could spurn with greater indignation such an insinuation than he would. He trusted, therefore, the Government would not attempt to screen the parties implicated in these transactions. He moved merely for the correspondence—he cast no censure upon the Government by his motion. He entirely absolved the noble Lord from all knowledge of such a transaction. In the case of Popay, the then Government had not attempted to cast any shield over him. Lord Althorp had at once granted a committee of inquiry into his conduct, and had stated it as his opinion, that the employment of spies to entrap persons into guilt was a most abominable system. That abominable system had been denounced in just and eloquent terms by the counsel for the defence, who, notwithstanding he was of Conservative politics, yet did his duty nobly to his clients, and in such a manner as reflected the highest honour on the Irish Bar. Lord Althorp had stigmatised the spy system as abominable and atrocious. That was stronger language than he (Mr. O'Connell) ever used. He knew the noble Lord opposite would not attempt to justify such conduct. He trusted he would not withhold the documents. He (Mr. O'Connell) censured no one at present—he knew not who was responsible for that conduct. These documents would inform him; and from them he should learn against whom it would be his duty to move for a committee of inquiry in the course of next Session. The right hon. and learned Gentleman concluded by moving,

"That there be laid before this House copies of or extracts from the correspondence between the Government and the magistrates, relative to the witnesses produced on the trial of Hare and others, at the late Armagh assizes, for Ribbonism."

Lord *Eliot* said, if anything could induce him to accede to the motion of the right hon. and learned Gentleman, it would be the calm and temperate manner in which the right hon. Gentleman had introduced it. The right hon. and learned Gentleman had not endeavoured to cast any censure upon the Government, and he did not therefore resist the motion on that ground; but he thought he should betray his duty, if he were, by assenting to the production of these papers, to furnish what he could not but consider a dangerous and inconvenient precedent. He had had no opportunity of seeing the correspondence, but he could well conceive that it was of a confidential nature, and that the production of it might tend to defeat the ends of justice, either by putting on their guard persons who might be implicated, or who might be objects of suspicion to the local authorities, or, on the other hand, that it might tend to fix imputations upon persons who might subsequently be proved to be entirely innocent of the charges brought against them. Hagan had said, that he initiated persons into Ribbonism, with the knowledge of the police and the magistrates. Upon that point he was not prepared to give an opinion. He had no hesitation in saying, that the report of the trial referred to by the right hon. and learned Gentleman, was altogether inaccurate. He had searched the Dublin newspapers of the day, and had found no mention whatever of the occurrences described in that paper. In this opinion he was confirmed by the testimony of one who was in court during the whole of the trial, and who was now at the head of the constabulary force of the county of Suffolk. He was not at that moment able to say whether, or to what extent, the local authorities were cognizant of Hagan's proceedings, but he had no hesitation in saying, that if they were cognizant of them, their conduct was altogether unjustifiable. He was satisfied that there was nothing in the correspondence which reflected any blame on the Government. He felt it his duty, however, and it was a painful duty, because he could wish that the whole matter was investigated by the House, but he felt it his duty, for the reasons which he had stated, not to consent to the production of these papers. He was certainly thankful to the right hon. Gentleman for the opportunity which he had afforded him of disavowing on the part of the Government all participation in those proceedings. Whatever advantage might be derived from obtaining information of the proceedings of secret societies by the aid of spies and informers, he thought the advantage would not compensate for the injustice and injury which would be done by employing paid agents to procure information. It was with considerable reluctance that he felt it his duty to object to the production of the correspondence.

Mr. *Hume* said, he was glad to hear the disclaimer of the noble Lord on the part of the Government, of all participation in these proceedings. He wished to know, however, whether Hagan had received any pay from the Government?

Lord *Eliot* said, that Hagan, in his evidence, distinctly denied having received any reward. In such a country as Ireland, where the great majority of crimes arose out of secret societies, it was almost impossible to obtain evidence without the aid of approvers, and though no rewards should be given beforehand, he did not think it was inconsistent with the character of the Government to give to approvers sufficient for their subsistence until their services were required.

Mr. *O'Connell* said, the noble Lord greatly mistook his purpose, when he attributed to him a desire to see any part of the correspondence which related to any persons accused of crime. The correspondence which he wanted was that which would show who it was that employed those persons. With respect to what the noble Lord had said as to the employment of approvers, he admitted that there was a distinction between an approver and a spy. An approver was as different from a spy, as an honest man was from an approver. He should feel it his duty to divide the House.

The House divided:—Ayes 24; Noes 72: Majority 48.

List of the Ayes.

Aglionby, H. A.
Aldam, W.
Bowring, Dr.
Browne, hon. W.
Bryan, G.
Cobden, R.
Duncombe, T.
Forster, M.
Gill, T.
Gore, hon. R.
Hawes, B.
Heathcoat, J.
Howard, hon. H.
Hume, J.
Langton, W. G.
Morris, D.
Pechell, Capt.
Smith, B.
Somers, J. P.
Tuffnell, H.
Turner, E.
Williams, W.
Wood, B.
Yorke, H. R.

TELLERS.

O'Connell, D.
Wyse,

List of the Noes.

A'Court, Capt.
Allix, J. P.
Archdall, Capt.
Arkwright, G.
Baird, W,
Baring, hon. W. B.
Bentinck, Lord G.
Blackstone, W. S.
Bodkin, W. H.
Boldero, H. G.
Botfield, B.
Broadley, H.
Clayton, R. R.
Clerk, Sir G.
Cockburn, rt.hn.SirG.
Corry, rt. hon. H.
Cresswell, B.
Damer, hon. Col.
Darby, G.
Douglas, Sir C. E.
East, J. B.
Eliot, Lord
Estcourt, T. G. B.
Flower, Sir J.
Follett, Sir W. W.
Ffolliott, J.
Forbes, W.
Forester, hn. G. C. W.
Fuller, A. E.
Gaskell, J. Milnes
Gordon, hon. Capt.
Gore, M.
Gore, W. R. O.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grant, Sir A. C.
Greene, T.
Hale, R. B.
Hardinge, rt.hn.SirH.
Hardy, J.
Henley, J. W.
Herbert, hon. S.
Hervey, Lord A.
Hodgson, R.
Hogg, J. W.
Hope, hon. C.
Hussey, T.
Jermyn, Earl
Jolliffe, Sir W. G. H.
Jones, Capt.
Knatchbull, rt.hn.SirE.
Lefroy, A.
Lincoln, Earl of
Lockhart, W.
Lowther, J. H.
Lowther, hon. Col.
M'Geachy, F. A.
Marsham, Visct.
Masterman, J.
Meynell, Capt.
Mundy, E. M.
Nicholl, rt. hon. J.
Palmer, G.
Peel, rt. hon. Sir R.
Peel, J.
Polhill, F.
Round, J.
Sandon, Visct.
Sheppard, T.
Stanley, Lord
Sutton, hon. H. M.
Young, J.

TELLERS.

Fremantle, Sir T.
Pringle, A.

Mr. *O'Connell* then gave notice, that he would move next Session for a committee to inquire into the subject of the employment of Hagan and Cox.

County Courts Bill.] On the motion of Sir *J. Graham*, this bill went through committee *pro formâ*, for the purpose of adding new clauses, and having the bill reprinted.

Mr. *Aglionby* wished to know how it was possible fully to consider a bill like this, consisting of one hundred clauses, at the present period of the Session?

Sir *J. Graham* said, that the bill was so modified, as would, he hoped, remove the objection to it.

The House then resumed, the report was brought up, and the bill was ordered to be re-committed to morrow.

The House then adjourned at a quarter to four o'clock till five o'clock.

Slavery in India.] Mr. *Villiers* rose to put a question to the Government, of which he had given notice, respecting slavery in British India; he wished to know if any steps had been taken for carrying the intentions of the British Legislature into effect, or whether any measures were contemplated for terminating the system of slavery which existed in that part of the British empire? [Mr. *Villiers* here read the provision in the East-India Charter

Act, which provided for the extinction of slavery.] He wished especially to know what steps had been taken for the abolition of slavery and the slave-trade which had been proved to exist without the sanction of law in the British settlements of Penang, Province Wellesley, and Singapore?

Mr. *B. Baring* said, that legislation on the subject must be initiated in India. Orders had been sent out in November last to Singapore and Penang, directing the governors of those provinces to transmit without delay a project of law for the immediate abolition of slavery in those provinces. With respect to India, the Governor-general at the beginning of the present year had transmitted drafts of projects of law for the mitigation and gradual abolition of slavery for the consideration of the Court of Directors, and the Court of Directors and the Government had signified their desire to accede to all the propositions of the Governor-general on that subject. The subject would be best understood from the papers that would be presented to the House. In the first place, they gave every security to individuals in enacting that no one should be dispossessed of his property on the ground that his predecessors, having been slaves, had no right to acquire it. They also prohibited the selling of children into slavery in periods of scarcity. The papers would be laid on the Table of the House before the prorogation.

INCOME TAX.] Mr. *R. Yorke* inquired whether the Government were aware that there was great irregularity in the delivery of the Income-tax papers; and whether the notice of twenty-one days for the return of those papers was to be calculated from the day on which they were dated, or from that on which they were delivered? He also wished to know whether, when papers were left both at the town residence and country residence of an individual, both were to be filled up?

The *Chancellor of the Exchequer* said, he was sorry that there had been considerable delay in the delivery of the Income-tax papers, owing to the short time which had to elapse since the passing of the Bill until the next quarter-day; but, as great exertions were now making for their due delivery, he hoped that in a few days no person would have to complain of not having had the pleasure of receiving the Income-tax papers. With respect to the date, the act required that the papers should be filled up within twenty-one days from the time of the date; but if they were not delivered till after the date, an allowance could readily be made for that. When papers were left both at a town residence and a country residence, both sets would be required to be filled up if relating to different sorts of property; otherwise, one of the sets might be sent back, with a statement that the return had been made.

Mr. *R. Yorke* said, that if a person said that he had not received the papers until after the time of their date, and the delivering officer insisted that he had delivered them at the time of their date, he doubted whether in such a case any allowance of time could be made.

AFFGHANISTAN.] Mr. *D'Israeli* inquired whether the report was true, that the Governor-general of India had ordered the withdrawal of the troops from Affghanistan?

Sir *R. Peel* said, that the despatches from the Governor-general had been received at the Board of Control not more than an hour ago, and he had not had an opportunity of reading them yet, and was consequently unacquainted with their contents.

ECCLESIASTICAL CORPORATIONS LEASING.] Sir *J. Graham* moved the third reading of the Ecclesiastical Corporations Leasing Bill.

Sir *R. H. Inglis* objected to some parts of the bill in its original shape, but still more to the new clauses. One of those clauses, the 12th, introduced a new principle into the legislation of England on the subject, by establishing a maximum in respect to the income derivable by a clergyman from a given living. With regard to the other new clauses, they had not been made known to the chapters and other bodies, with whose property they dealt; but as they only carried out the principle of the Ecclesiastical Commission Acts, he would not, under all the circumstances of the Session, dwell upon them; but he wished an expression of the opinion of the House on the 12th clause.

Sir *J. Graham* regretted that his hon. Friend had reserved his objections to the bill to so late a period. The bill had been nearly six months before the House. As to the principle in the 12th clause, it was one which, considering the great importance of providing for the spiritual instruction of the people, he could not consent to abandon. It enacted that, out of incomes increased by the operation of this bill, means should be provided to establish cures of souls in destitute districts. His hon. Friend objected to any interference with ecclesiastical property, and would be content to leave to all life-holders of it the excessive incomes which might be the result of operations rendered legal by the present bill. He could not, therefore, hope to satisfy his hon. Friend; but he thought that he should satisfy the House.

Mr. *V. Smith* supported the clauses proposed to be inserted by the right hon. Baronet. There was no doubt that the revenues of the Church would be considerably increased if these clauses were agreed to; he hoped, in that event, that the agreement which originally existed between the lessors and lessees, and which was a favourable agreement for the Church, would still be maintained.

Viscount *Palmerston* said, it appeared to him that there could be but two sound opinions upon the present question; either the opinion of the hon. Baronet the Member for the University of Oxford, who contended that Parliament had no right to deal with Church property under any circumstances; or the opinion of hon. Gentlemen on his (Lord Palmerston's) side, who maintained that Parliament had a right to dispose, according to its discretion, of any fresh accession to the property of the Church. It seemed to him that the intermediate position taken up by the Government, that Parliament had a right to deal with Church property in one way and not in another, was altogether untenable. The present Ministers said, the property, indeed, is sacred, but we may deal with it, not as the Church might desire, but as we think best for the Church. This was the principle of appropriation without its merit. Those who agreed with him were of opinion that the improved value in Church property would be best appropriated to abolish Church-rates.

Sir *R. Peel* said, that the distinction was perfectly clear. The late Ministers proposed to take away the property left for religious purposes, and to apply it to secular purposes. The present bill, and the Ecclesiastical commission, which, in his short administration in 1835, was one of his first objects, provided carefully not only that no alienation should be made of the property of the Church, but that increased accommodation should be secured out of it, for those members of the Church to whom it would otherwise be denied. In the present bill there was a distinct provision that the increased value now to be given to ecclesiastical property, should go to the benefit of the places where that property was situated. He felt that, considering the destitution of spiritual instruction which prevailed, it was not for the interests of the Church itself, or for the good of religion, that vast incomes should be in the hands of individuals, whether private clergymen or bishops. It had been stated that, under such a bill as the present, the Bishop of London, if it had not been for the Ecclesiastical commission acts, might be in possession of an income of 150,000*l.* Could this be defended? Could it be contended that it was for the good of the Church?

Mr. *Hardy* said, that the real interests of the Church were often neglected, or at least little regarded, in proportion to their importance, in these debates. What he wished to see was an adequate provision for the spiritual instruction of the people. He thought, therefore, that the fund accumulated from any increased value that might be given to Church property, ought to be devoted exclusively to spiritual purposes, and for that reason he supported the Government measure. Of the plan of the noble Lord, which was to devote the surplus to the extinction of Church-rates, he certainly could not approve.

Mr. *Acland* said, that he could not but look with great distrust at the new clauses in the bill. The object was, indeed, the same as that of the Ecclesiastical commission acts; but it continued still further the subjugation of diocesan authority to the central board in London. On the subject of Church property he could not go so far as his hon. Friend the Member for the University of Oxford, and he did not believe that the great majority of those whose interests he represented, would concur with him. He knew that when the Ecclesiastical Duties and Revenues Bill was in progress, many of those whose interests were affected, though not pecuniarily, offered to reduce their money interests, he believed 20 per cent., in order to preserve the chapter system inviolate.

Mr. *Henley* said, that what had fallen from her Majesty's Ministers had increased his objection to the bill. It was avowed that the object of the bill was to carry out the recommendation of the Ecclesiastical commission. Now that commission had originated from a slight pressure from without in Ireland, not amounting to what the right hon. and learned Member for Cork would call a heavy blow against Church-rates. The Government of the day yielded to the pressure, and nine or ten bishops were swallowed up to get rid of Church-rates. At least, the revenues were swallowed up. He knew not what had become of the bishops themselves. The commission had then been appointed, and had dealt with what it had chosen to denominate the excess of Church property. Now, if the principle of that commission were carried out, they might next year have an act interfering with livings of 1,200*l.* or 2,000*l.* What security had they that the holders of these livings would not meet with the same fate as the bishops? In the present state of the House, it would, he knew, be useless to divide the House upon the clause. He thought it involved most dangerous principles. The bill, as introduced by the late Government, was bad enough, and these gentlemen (pointing to Ministers) had made it worse.

The *Chancellor of the Exchequer* said, every provision was introduced into the bill that was necessary to protect the property of the Church, and to promote those interests for which it was originally given.

Bill read a third time.

Sir *J. Graham* then brought up the following clause to follow clause 5:—

"And be it enacted, that it shall be lawful for any Ecclesiastical corporation, aggregate or sole, except as aforesaid, from time to time, with the consent or consents hereby required in the case of leases of land, to grant or demise, by lease, for any term not exceeding sixty years, to take effect in possession and not in reversion, or by way of future interest, any mines, minerals, quarries, or beds, belonging to such corporation, together with the right of working, or of opening and working the same, and together also with such portion of land belonging to such corporation, as shall be deemed expedient; and every such lease shall contain such reservations by way of rent, royalty, or share of the produce in kind, all or any thereof, or otherwise, and such powers, provisoes, restrictions, and covenants, as shall be approved by the Ecclesiastical commissioners for England, due regard being had to the custom of the country or district within which such mines, minerals, quarries, or beds are situate; and no fine, premium, or foregift, nor any thing in the nature thereof, shall be taken for or in respect of any such lease."

The clause read a first, second, and third time, and added to the bill.

Sir *J. Graham* moved the following clause, to follow clause 12:—

"Provided always, and be it enacted, that in case of any lease of mines, minerals, quarries, or beds, granted under this Act, such portion of the improved value accruing thereunder as by the like authority shall be determined on, not being more than three fourth parts, nor less than one moiety, of such improved value, shall forthwith and from time to time, as the same shall accrue, be paid to the said Ecclesiastical commissioners for England, and shall be subject to the provisions hereinbefore contained, relating to monies payable to them in respect of any lease of land; and the remainder of such improved value shall be deemed to be an improvement within the meaning of the provisions relating to the incomes of archbishops, bishops, deans and canons, and archdeacons, respectively."

Sir *R. H. Inglis* said, that he had been misapprehended both by the noble Lord the Member for Tiverton, and by his right hon. Friend the Secretary of State, and his hon. Friend the Member for West Somersetshire. He had never denied the right of Parliament—that is, the supreme power of the State—to deal with Church property. He could not, therefore, accept the compliment of the noble Lord, and he feared that when the noble Lord said that he (Sir R. Inglis) was intelligible, he had not been intelligible to him. What he had said on the present occasion he had said in substance whenever these questions were discussed, namely, that Parliament had the same right, but no more, to deal with Church property as with lay property, that is, with the property of the chapter of Durham as with that of the corporation of Durham. The illustration which he had repeatedly given in former Sessions he would give again. Anthony de Beek, the great Bishop of Durham, six centuries ago, left his estates to the see. He had a full right to do so; but he left them for the spiritual good of the see. If the wild moors on the surface were now cultivated, if the rich mines below the surface were now worked, if a vast population had grown up, and if, in consequence, there was want of increased spiritual instruction and means of public worship, the estates left to the see ought to provide for it out of the wealth on the spot; but where this use of it did not occur, he thought that it ought not to be diverted to any other purpose, however good. He had been taught by Mr. Burke to think that an Archbishop of Canterbury and a Bishop of Durham might raise their mitred fronts in Courts and Parliaments with great advantage to the country, and he felt sure that the incomes of such prelates, whatever might be their amount, would be spent as well and as wisely as those of any lay peer, whatever might be his title. He deprecated as not merely invidious, but as dangerous to the security of all property, the doctrine that one man's income was excessive, and, as such, ought to be reduced. Looking to the appearance of the House, and the absence of support to his views, he would not press a division.

Mr. *Hawes* thought the bill had been greatly improved by the clauses which the right hon. Baronet had introduced; but the bill was important as recognising the principle of appropriation. The principle recognised by this bill was, that Parliament had a right to appropriate the surplus revenues of the dignitaries of the Church to other purposes, and to take those revenues out of the control of those dignitaries. Parliament was now dealing with Church property as it ought to deal with it. There were two principles, either of which the right hon. Gentleman might have adopted. He might either have asserted the right of Parliament to appropriate this Church property, or have left it to the Church to appropriate its own property. The Government had adopted the wiser course, and had asserted the right of Parliament to deal with the property. That principle had been before adopted with regard to Ireland. It had been propounded by the late Government; it had been wisely adopted by the present Government. Yes, the Government had adopted the principle of appropriation by the present bill. They appropriated the surplus of ecclesiastical property to a different purpose from that to which it had been proposed to appropriate it by the late Government; but nevertheless they did appropriate it to a different purpose from that for which it had been originally intended, and this was a distinct acknowledgement of the principle of appropriation. If they were to take from the Duke of Northumberland a portion of his income, and give it to a poor Peer, would that not be appropriation? Would it do to say "Oh! we do not go out of the Peerage, we only take from one Peer to give to another?" He apprehended that, nevertheless, the Duke of Northumberland would consider that an appropriation. He was rejoiced to see the Government recognising the principle of appropriation by this bill, and he regretted that they had not the courage to carry out the principle to its full extent.

Clause agreed to, and ordered to be added to the Bill.

Other amendments were made, and the bill, with additional clauses, was passed.

BANKRUPTCY LAW AMENDMENT.] Sir *J. Graham* moved the Order of the Day for the further consideration of the report on the Bankruptcy Law Amendment Bill.

Mr. *M. Philips* said, that as this bill had undergone very little discussion, he was sure he should be excused for opposing it at the present stage, and stating his reasons for doing so. He objected in the strongest possible degree to the appointment of official assignees in all bankruptcies prosecuted in the country. They were to be appointed, it seemed, on the ground that the present system worked badly and inefficiently. He was not aware that it did. He could state at least that in Manchester it worked most satisfactorily. His constituents were perfectly content with it. His constituents, and, indeed, most mercantile men whom he had consulted on the subject, were of opinion that the greatest possible danger was liable to attend the appointment of those official assignees, into, or rather through, whose hands such a vast mass of property must necessarily pass. He believed that the appointment of official assignees in London was not without objection — nay, that some of them had been guilty of conduct which did not redound very much to their credit. It was possible that men might be appointed with engagements hanging over them, and who would consequently be exposed to the almost irresistible temptation of going astray if the whole property of bankrupts' estates was to be allowed to pass through their hands, and they to be clothed with such powers as this bill proposed. Then, how were they to be remunerated? He understood by a commission of 2½ per cent. upon all property passing through their hands. That he considered a most enormous expense to add to the working of the bankruptcy law. If it afforded a clear and decided guarantee for the more speedy and efficient arrangement of bankruptcies he might be inclined to sanction such a provision, but under existing circumstances it appeared to him to be a very serious impediment in the way of the measure. In order to illustrate his view of the question, he would suppose an official assignee having to deal with a property of 20,000*l.*, of which 15,000*l.* was mortgaged. As he understood it, this official assignee would have 2½ per cent. commission upon the money actually passing through his hands, although the only difficulty or trouble as regarded the 15,000*l.* would be in his handing it over to the party originally lending it. The assignees were not to perform the duties of accountants, who would be an extra charge besides. He wanted to hear from the law officers of the Crown any recommendation in favour of the appointment of these individuals. So far as the bankruptcy practice in the country was concerned these officers were thought incumbrances; and they were at a loss to find anything in favour of their appointment. One of his objections to the bill was to the appointment of commissioners at salaries of 1,800*l.* a-year. That appeared to him to be an enormous salary for the functions to be discharged. The number of commissioners proposed to be appointed was ten; but he felt confident that this number was totally inadequate for the purpose. He must claim at least two for transacting the bankruptcy business of Manchester; as he was informed by those practically acquainted with bankruptcy business that it was impossible the bankruptcy business of Manchester could be worked by a less number than two commissioners. In confirmation of that opinion, he had only to state that, from the 1st of January, 1841, to the 1st of January, 1842, no less than 725 meetings of bankruptcy had been held in Manchester alone, and if these commissioners had perambulatory duties assigned to them, it was impossible that this amount of business could be done by them. With regard to the amount of remuneration, the salary of the stipendiary magistrate of Manchester for attending the police-court at Salford throughout the year, *de die in diem*, was 1,000*l.* a-year; and when that office had to be filled some years ago, the applications from the London bar for the office had been extremely numerous, and from parties of a standing at the bar which had excited the surprise of persons in the country. He could not, therefore, think the amount of salary proposed to be given for the present offices necessary. His belief was that thirty commissioners would not be sufficient. Leeds, Liverpool, Birmingham, Bristol, and every large town would have great demands for their time as well as Manchester. If this number should be required, look at the cost of these judges at 1,800*l.* a year each. To this there was the addition of 2½ per cent. for the working of the official assignees. The old system, though not perfect, worked satisfactorily; and in order to carry out the proposed system it appeared that very great expense was to be gone to, which would have to come out of the bankrupts' estates. He should feel it his duty to give the strongest opposition to this bill if it were intended to persevere with the clause giving these large salaries. In Manchester alone, in one year, property to the amount of 75,000*l.* had gone through the hands of the commissioners; and if 2½ per cent. were to be charged on that amount, as the commission of the official assignees, the cost would be enormous; and this in addition to the commissioners' salaries. [*Sir J. Graham*: That is not the amount of commission to be charged.] He should be glad to be set right. The House would at least agree with him that he had made out a case that an extra charge was to be thrown on bankrupts' estates by the operation of this bill. Mercantile men had several strong objections to the bill, particularly to the third clause, with regard to the issuing of the fiat. He hoped the bill would be postponed. He had, indeed, been requested by his constituents to move that it be read a third time that day three months, if it should be persevered in.

The *Attorney-General* said, there was no such thing as 2½ per cent. named in the bill. The per centage was governed by the discretion of the commissioners, and the scale on which the commissioners permitted that per centage to be taken was the following: for the collection of debts under 100*l.* 5 per cent.; from 100*l.* to 500*l.* 2½ per cent; from 500*l.* to 1,000*l.* 1 per cent.; and above that sum, 10*s.* per cent. With regard to the realization of property under 1,000*l.*, 2½ per cent.; above 1,000 1 per cent.; and in all mortgage cases 1 per cent. With regard to the expense to be incurred by the appointment of these commissioners, the exact amount of their salaries would be the subject of discussion. All the expenses of the present system of working, in point of fact, came out of the bankrupts' estates, and the present expenses of the collections made in the country amounted to about 30,000*l.* a year. The collection of the different sums to be paid within the London district amounted to not less than 1,000,000*l.* sterling; and the interest paid on that sum actually defrayed the whole expenses, or at least the greater part of the expenses, of the entire establishment. So that, if economy were the object of the hon. Gentleman, and saving the pockets of creditors, he should advocate a system that, by collecting the funds of bankrupts, and placing them in security, thereby realised more than would pay the whole expenses.

Mr. *W. Williams* did not doubt but that the bill was a great improvement on the law as it now stood; yet many influential and experienced tradesmen in the working of the bankruptcy law were anxious to have the bill postponed to the next Session, in order that they might make such suggestions as might render the measure more complete than at present. He knew of no class of persons whose opinions on this subject ought to have greater weight. He should not, however, vote against going into committee on the bill, if her Majesty's Ministers determined to proceed with it.

Mr. *Forster* had had no opportunity of examining the bill. Hs admitted that the present law required alteration and reform, but a much more enlarged reform than was proposed by this bill. He should be sorry to postpone the happy period of the exercise of patronage afforded by the bill to her Majesty's Ministers; but as commercial men had not had an opportunity of considering the bill it ought to be postponed.

Mr. *Bernal* said, that that House had often been accused of sending bills to another quarter, at a period of the Session when they had not time to test the merits of the bills sent up to them; but really, with all humility, he thought it rather late in their sessional year, for the Peers to send such a bill down for their approbation or rejection. He would put it to the Government, if time had been afforded to the commercial community to examine the bill, and report their opinions on this measure, and would rest the propriety of postponing it on the answer given. He believed there were a great many objections to many parts of the bill, and many omissions to be supplied, if they might judge from certain printed papers that had emanated from meetings held in the city of London.

Sir *J. Graham* had no difficulty in answering the question put to him. He did think, for the benefit of the trading community, that it was most desirable, at this advanced period of the Session, that they should proceed with this measure. The bill rested on high authority. It came down to them from the other House of Parliament, where it had been discussed by the Lord Chancellor of England and the Master of the Rolls, and where it had undergone the revision of two Peers who had held the great seal in this country, and of one who had held the great seal of the sister kingdom. The measure, therefore, came down to them sanctioned by high authority. He must deny altogether that the bill had come down to them by surprise. In the main, it rested upon the Report of the Bankruptcy Commission; and though it did not go the whole length of carrying out the recommendations of that report, yet the bill was a large step in the reform of this branch of the law. They had the experience of ten years of the working of the experiment which had been tried on so large a scale in this metropolis, the great emporium of the commerce of the world, and the centre of the trade of the kingdom, to guide them. Nor was the experiment confined to the metropolis, but took in an ambit of 40 miles round London; so that their experience must be considered most extensive. Then, as to the lateness of the period at which the measure was brought forward in the House of Commons; he had the happiness of being a colleague of Lord Brougham, when that noble Lord introduced the experimental measure, with reference to London, which was now in force, and of which he had just spoken, and it was almost at as late a period of the Session that that great change of the law was brought forward, and all the arguments now urged, were urged then; the lateness of the Session, surprise, the vast amount of patronage conferred by the bill, were all urged. Then, as now also, it was said, that the official assignees were quite certain to betray their trust, and not to act in a satisfactory way; it was said also, that it was quite impossible that six commissioners could manage the vast interests to be confided to their care. He begged to call attention to a memorial addressed to the Chancellor of England, and signed by fifty-six bankers, and various merchants, and 537 most respectable traders of the city of London, and presented to the late Government. The hon. Member for Manchester (Mr. M. Philips) had talked of the admirable way in which the present system of bankruptcy worked in the country. The fact was, there were 700 judges of bankruptcy in the country, the whole paid by fees, the commissioners in London being paid by salaries. But what said the memorialists? They prayed for the extension, to the rural districts, of the same system which was at present in operation in London, and of the beneficial working of which they had had experience now for nearly eleven years. In consequence of this memorial, the Government issued a commission. That commission had reported, and the bill, though it did not go the whole length of the report, adopted the most important suggestions in it. He (Sir J. Graham) said, therefore, appoint commissioners for the rural districts. If ten be necessary, appoint ten; if more be necessary, appoint more—men eminent in the law, and inaccessible to improper influences. Resting on the experience of the metropolis, appoint official assignees to be paid, not by a per centage of 2½, as the hon. Member for Manchester imagined, but erroneously, for there was no such provision in the bill; but paid moderately, as the Lord Chancellor should, from time to time, appoint. With respect to the conduct of the official assignees, it would be recollected that the late Lord Chancellor had issued a commission to inquire, and the Lord Chancellor's power was absolute, to check abuse in that department. Whether the House agreed to pass the other clauses of the bill or not, he trusted that they would sanction the enactment of the two points to which he had just referred. But, if the House should differ with him on these two points, there was still one clause which he considered was of inestimable value, and which, if it were passed alone, he would say ought to be passed without delay. The clause he meant was one giving to the creditor the power to summon his debtor before the court, and put to him the question, "Do you acknowledge the debt you owe me, or do you not?" because, if the debtor, on the one hand, acknowledged the debt, and would not provide for the payment of it, he committed an act of bankruptcy. If, on the other hand, he denied the debt, and gave securities to pay such sum as should be recovered, or made a free surrender of his goods and property, by admitting it, his personal freedom was guaranteed. Every facility was therefore contained in this measure for proving an act of bankruptcy, and discovering the property of the debtor. And if the debtor acted honestly, and surrendered his property, then most rightly he would be exempt from punishment. But if, on the other hand, he concealed his property, and would not surrender it, or acted, in the slightest degree, with fraud, then his person would become, not on account of his poverty or misfortunes, but of his immorality, vice, and fraud, promptly and rightly subject to the law. There was, in addition to that clause, a most important provision, that the certificate of the bankrupt was not made dependent on the caprice, malevolence, or ill-will of the creditors. The creditors would have the opportunity of stating their reasons why the certificate should not be granted; but the granting the certificate was made a judicial measure. He held those four to be capital points. With respect to the issuing of a fiat, Lords Cottenham, Lyndhurst, and Brougham all thought that to take the issuing of fiats from the Lord Chancellor would be dangerous. In this country, where credit was everything, it would not do to take from the highest authority in the law the power of issuing so important a document, because when a trader's credit was tainted, his trade was ruined. He had only further to observe, that if the details of the measure proved not satisfactory to the hon. Member for Manchester, after the bill should have gone through committee, it would be quite competent for him to move the postponement of the third reading for three months, but he (Sir J. Graham) hoped the hon. Member would at present consent to go on with the measure, and defer discussion of the several provisions till a more suitable opportunity.

Mr. *B. Wood* agreed that this bill contained many good points, and his chief objection was derived from the time at which it had been introduced to the House. They had had the bill from the Lords just one week. Only last Tuesday it was materially amended by the addition of thirty new clauses. It was quite true that there was a commission appointed three years ago, but the House had got nothing from that commission until now. The attention of the trading interest had consequently in the mean time been much drawn away from that commission. Thus the trading community had known nothing of this bill. The lobby was inundated by persons who were there day after day on the subject. They were told that the House was not likely to sit many days. Was this, then, a fit time to push on so important a measure? One clause in particular he would refer to, in order to show what a deal of discussion was likely to ensue on the bill. The 31st clause allowed a bankrupt partner of a solvent firm to sue every debtor of the partnership for debts owing to the partnership, though no title of proof were given that the bankrupt had one single penny in the partnership fund. A man might be a partner in a respectable concern—say Coutts's—he might be a gambler and dishonest, and withdraw all his property from the firm, yet his creditors might go to the bank, demand information of all the debtors of the partnership, and sue every one of them. This clause would create the most important change that had ever yet been introduced into the mercantile affairs of this country. He should have very much preferred the postponement of the bill until next Session, and he thought the right hon. Baronet would have the entire of the trading interest with him if he adopted that course.

Mr. *R. Scott* had not the slightest objection to considering the principle of this measure, and he was quite ready to admit there were many points in which the system of bankruptcy in the country might be amended, and that the bill made many important improvements in that system; but he did not think that the details were fully adapted for their object, or that they were not capable of improvement. The best course, he thought, would be to refer this measure, along with two other measures—the Insolvent Debtors Bill and the County Courts Bill—to a select committee, as all three measures, having a connexion with one another, ought to be considered together. With regard to the commissioners to be appointed under the bill, the House was not in a situation, from want of information, to say how far it would be practicable to work the bill with only ten commissioners. He apprehended great difficulty on that point. It was impossible, too, for the House to decide the various questions as to the appointment of official assignees, and not merely as regarded the means of their appointment, on which there would be great difference of opinion, but as to the mode of their payment and the nature of the duties they were to perform. It was highly necessary to have a full discussion of the whole subject, and he would suggest to the right hon. Baronet to adopt the course of referring this and the other bills to a select committee, in order that they might have the report before them next Session, before being called upon to decide the many difficult questions which grew out of this important subject.

Mr. *Hawes* considered this one of the most important measures that had been submitted to the House for a length of time. He was not able to understand the opposition to the bill on principle, though he could see objections to particular clauses. He hoped, therefore, that the House would object to consider the measure. When he was told of parties inundating the lobby to oppose the bill, he must say he heard nothing of it. He heard nothing but commendations of the bill. He was urged by the traders of London, with whom he had, he believed, as extensive a connexion as the hon. Member for Southwark (Mr. B. Wood), to press the Government to pass this bill. It was manifest he could have no object with regard to patronage in urging them as he did to pass it, because in politics he was as staunch an opponent of the Government as any one in the House. He asked whether the present system had not worked in London well and cheaply, and whether it had not had the effect of adding security to bankrupts' estates? He asked, further, whether it had not been the means of withdrawing large sums of outstanding balances and placing them in the funds, so that the interest paid the working of the measure? In the country there were, he had not much doubt, large outstanding balances, and therefore it was easy to see that many parties would object to the bill. One point of the bill was to give additional power to creditors. Now, he would say, that if they did not give great power to creditors, they would have a discussion in the House at no distant period of a revival of the law of arrest. That used to be the great power in the hands of a creditor. He had no equivalent at present. The bill provided a full equivalent for the law of arrest. But it was said, the expenditure under the bill would be extravagant. How was this proved? At present the average expense of working a commission in London was 25*l.* or thereabouts; the present average expense in the country was somewhere about 70*l.* He was convinced that, whatever might be the opposition which this bill received, it would be ultimately received as a boon.

Sir *R. Peel* could not urge too strongly upon the House the importance of their going into committee upon the bill. If they once felt satisfied that the bill was an improvement upon the existing law, he could not too much impress upon the House the policy of at once passing it. If after having with so much labour rolled the stone up hill they permitted it to fall again, they would never be able to replace it, or if at all, not without an increased amount of difficulty. He entreated the House to remember that there were 740 persons throughout the country who were interested in stopping the progress of a reform of this description. They were lawyers, too. Therefore, as they had proceeded thus far, his experience of the profession in all matters connected with reform induced him to urge upon the House at once to agree to the measure, and not to miss an opportunity that might not again occur. The main clauses of the bill could not fail, in his opinion, to operate most usefully.

Mr. *Aglionby* thought that there was very good ground for the complaints made, that this bill had been passed with too much haste. He had himself been assured by a deputation that had waited upon him, that they had been unable to procure copies of the bill while in the other House, and that they had only been able to consider its provisions since it came down and had been printed.

Mr. *M. Philips* said, his object having been partly answered by the discussion that had already taken place, he should not, as he had intended, move the rejection of the bill.

House in committee.

Clauses to the 30th agreed to.

On the question that the 30th clause, enacting that distress should not be available for more than six months' rent due, to prove for the landlord the residue, stand part of the bill.

The committee divided:—Ayes 7; Noes 85: Majority 78.

List of the AYES.

Bowring, Dr.
Brotherton, J.
Forster, M.
Gibson, T. M.
Hawes, B.
Scott, R.
Wyse, T.

TELLERS.

Clay, Sir W.
Wood, B.

List of the NOES.

A'Court, Capt.
Aglionby, H. A.
Allix, J. P.
Arkwright, G.
Baird, W.
Baring, hon. W. B.
Beckett, W.
Bentinck, Lord G.
Bodkin, W. H.
Botfield, B.
Broadley, H.
Bruce, Lord E.
Burrell, Sir C. M.
Clayton, R. R.
Clerk, Sir G.
Cockburn, rt. hn. Sir G.
Codrington, C. W.
Corry, rt. hon. H.
Darby, G.
Divett, E.
Douglas, Sir C. E.
Duncan, G.
Duncombe, T.
Eliot, Lord
Estcourt, T. G. B.
Flower, Sir J.
Follett, Sir W. W.
Ffolliot, J.
Forbes, W.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Gore, M.
Goulburn, rt. hn. H.
Graham, rt. hon. Sir J.
Grogan, E.
Hale, R. B.
Hamilton, W. J.
Harcourt, G. G.
Hardinge, rt. hn. Sir H.
Hardy, J.
Henley, J. W.
Hervey, Lord A.
Hodgson, R.
Hogg, J. W.
Howard, P. H.
Humphrey, Ald.
Hussey, T.
Jermyn, Earl
Jones, Capt.
Kemble, H.
Knatchbull, rt. hn. Sir E
Lefroy, A.
Lincoln, Earl of
Lowther, J. H.
Lowther, hon. Col.
Lyall, G.
Martin, J.
Meynell, Capt.
Morris, D.
Mundy, E. M.
Newry, Visct.
Nicholl, rt. hon. J.
Norreys, Lord
Packe, C. W.
Palmer, R.
Peel, rt. hon. Sir R.
Philips, M.
Pollock, Sir F.
Praed, W. T.
Pringle, A.
Repton, G. W. J.
Sanderson, R.
Scholefield, J.
Sheppard, T.
Stanley, Lord
Sutton, hon. H. M.
Trench, Sir F. W.
Trotter, J.
Turner, E.
Verner, Col.
Williams, W.
Wortley, hon. J. S.
Young, J.

TELLERS.

Fremantle, Sir T.
Baring, H.

House resumed.

Chairman reported progress. Committee to sit again.

PORT WINE DUTY.] Mr. *Masterman* moved the following resolution:—

"That it having been the uniform practice, for many years past, to allow or to charge the wine-merchants upon their stocks in hand for any variation of duties that have taken place, this House is of opinion that it is but just and reasonable that the same course should be pursued in the event of a reduction being made of the duty upon port wine consequent upon the tariff to be annexed to the treaty with Portugal, notwithstanding the transfer of the collection of the whole of the wine duties to the Customs."

The *Chancellor of the Exchequer*, opposed the motion, because it called upon the House to pledge itself to a course in anticipation of an event, the time or circumstances of which were yet unknown; and also because the wine-merchants to whom it applied had had two years' notice of the intended change, and therefore quite sufficient opportunity of disposing of their stocks in hand.

Sir *Robert Peel* trusted that no consideration would induce the House to accede to the motion of the hon. Member for London. They had recently revised almost the whole of the Custom duties—in almost every article they had exposed the holders to an unexpected competition, and in no case had they allowed a drawback. But the hon. Gentleman, in his resolution, proposed that Government should allow a drawback, not in reference to an act done, but merely in the event of a reduction being made. If the House should agree to a pledge of this prospective nature, there would be no check to the frauds that would be committed, and he, therefore, trusted that the House would not sanction the resolution.

Mr. *T. Duncombe* supported the resolution. All the petitioners asked was, that Government should not depart from the uniform practice of former Governments, and he, hoped the House would view the resolution with more favour than the Chancellor of the Exchequer had done.

Mr. *Hawes:* Though he admitted the justice of the resolution, he yet hoped that under all the circumstances the hon. Member for London would not press his motion to a division.

Mr. Alderman *Humphrey* could not support the motion, because he thought the Government had made out a strong case against it.

Mr. *Masterman* would not press his motion to a division if the right hon. Baronet at the head of the Government would give him an assurance that he would take the subject into consideration, in the event of a treaty being entered into with Portugal for the reduction of the duty on wine.

Sir *Robert Peel* declined giving any assurance on the subject. He objected to the resolution on principle, and could not purchase the hon. Member's forbearance by any assurance whatever.

Motion negatived.

House adjourned at a quarter past two o'clock.

HOUSE OF LORDS,

Saturday, August 6, 1842.

Minutes.] Bills. *Public.*—1ª· Exchequer Bills; Consolidated Fund; Canada Loan; East India Bishops; Ecclesiastical Corporations Leasing; Lunatic Asylums (Ireland).

Private.—3ª· and passed:—Imperial Bank of England.

Adjourned.

HOUSE OF COMMONS,

Saturday, August 6, 1842.

Minutes.] Bills. *Public.*—2º· Slave Trade Suppression Suspension (Portuguese Vessels); Limitation of Actions (Ireland).

Committed.—Boroughs Incorporation; Coventry Boundary; County Courts Salaries and Expenses.

Reported.—Newfoundland; Law of Evidence.

3º· and passed:—Consolidated Fund; Exchequer Bills.

Private.—3º· and passed:—Hele's Charity (Lowe's) Estate; Sewell's Divorce.

Petitions Presented. From Selby and Chepstow, for allowing the Duty on Foreign Wine on the Stock-in-Hand.—From Dalkeith, for ameliorating the condition of Schoolmasters (Scotland).—From Ardagh, Down, and Connor, for Alteration in the system of Education (Ireland).—From Charles West, against the Bankruptcy Law Amendment Bill.

Newfoundland.] The Order of the Day for bringing up the report of this bill was read, and the report was received.

On the motion that the bill be engrossed,

Mr. *B. Wall* objected to the principle of the bill, and said he would divide the House on the subject.

The House divided—Ayes 64; Noes 21; Majority 43.

Bill to be engrossed. Third reading fixed for Monday at twelve.

Mines and Collieries' Bill.] The Order of the Day having been moved for taking into consideration the amendments of the Lords to this bill,

Lord *Ashley* said, that the amendments made by the Lords had invalidated the principle of the bill, and made it inoperative. There existed no longer any security either against the employment of females, or against the employment of children of an extremely tender age, for if they were admitted into the pits, it would be impossible to guard against their being made to work. The system of apprenticeship would be retained. His assertion that the coal-owners of the north were not opposed to the bill, had been described as "chicanery," but he would read letters to the House that would prove the truth of that assertion. The noble Lord proceeded to read the following documents in support of his former statement:—

Extract of a Letter from Dalkeith, 14th June, from a Person in charge of Pits.

"The degrading and brutal employment of women, and very young children, in the pits, is in nowise necessary for the continued working of coal in this quarter. Never was there a legislative enactment more required or more calculated to do good."

From another, dated 20th, from ditto.

"I express my most earnest wish that your Lordship's bill may speedily become law."

From Barnsley, June 25.

"The alterations (that is, before it went to the Lords), in your bill have done a great deal to satisfy those few masters who were against it."

From Ditto, June 30.

"I have been informed that the petitions against the bill have been signed in the counting-houses and at pay-tables."

From a place near Burton-on-Trent.—An Address of Colliers.

"We most heartily thank you, and express our humble hope that you may have good success, as we approve of the plan you have submitted to the British House of Commons."

"Also a petition, signed on behalf of 2,500 colliers, near Coal-bridge, Lancashire:

"A draught of the bill (says a correspondent) was read at the meeting, where there were not less than 2,500 miners, and they would not agree, and it was put to them, to alter our petition in any of the clauses."

From another, June 29.

"I have received a letter from Mr. Edward Grundy, a coal-owner, of my neighbourhood, the contents of which are favourable to your bill. He likewise says that he is not favourable to over-legislation, but he considers this measure necessary to remedy existing abuses."

Extract from Mr. Ashworth, a large Coal Owner.

"I have read with the deepest interest the discussions that have taken place, and permit me to say that I highly approve the bill in general, and particularly the amended clause which will admit boys from ten to thirteen years of age to work three days in each week."

Extract of a Letter from Staffordshire.

"My parish is in Derbyshire, although my post town is in Staffordshire. The statements made respecting Derbyshire were fully substantiated by the working men. The poor children work fourteen, sixteen, and some seventeen hours. The accidents in the pits here have been frequent and frightful."

From Mr. Bald, July 13.

"I have read your speech, which has yielded me gratification, and the more so, as I have so long (above forty years) been acquainted with the facts and circumstances brought forward: not one particle of the sad picture is overcharged with colouring. Your statements are simple truths. These strong prejudices and an immoderate love of gold will strongly attack, but they cannot overthrow them."

Extract from a Letter to Lord Ashley from Mr. Lambton, M. P. for the County of Durham, July 13, 1842—

"I wish to lose no time in expressing my surprise that Mr. Buddle should have written to Lord Londonderry the letter which I have read for the first time this morning in the newspapers. I feel myself called upon from a sense of justice, to say that it appears to me Mr. Buddle has not acted fairly and properly towards you; for observe what took place: Mr. Buddle was instructed formally by the united coal trade committee of the north to confer with you and the Members connected with the northern counties. At that meeting you made considerable concessions—'Much discussion took place, and the parties present ultimately agreed to accept conditions conceded by Lord Ashley;' why here Mr. Buddle himself shows, by his own words, that all the parties present were bound in fairness and honour to support your bill, so altered by the concessions they accepted." . . . "I do say you had a fair and just right to expect the support, not only of the members present at the meeting, but also of the coal trade in the north, which was formally represented there by Mr. Buddle; and I had a fair and just right to state in the House of Commons, that, the coal trade of the north were prepared to support the bill. It must be self-evident that you could only consent to make these concessions on condition of receiving our support. I remember you said more than once, 'My opinions are not changed, but I make these concessions to secure your support,' or words to the same purpose."

"*From the same to Lord Ashley.*

"It appears to me that, if Lord Wharncliffe thought himself free to act, he should have stated so at the conference he had with you in the House of Commons, when we all agreed to support your bill, altered, as it would be, by the concessions made on both sides. I recollect you distinctly said, at the close of our discussions, 'Well, if I make all these concessions, will you all support the bill?' Lord Wharncliffe should have protested then. He should have then stated, that he did not approve of the general agreement we had come to, and that he conceived himself quite free to act. Now this he did not do, to the best of my recollection; for my own part, I had no doubt in my own mind, after this conference, that all present were bound to support the bill, so altered."

Much, however, as he regretted the modifications which the bill had undergone, he should invite the House to accede to the bill, which, at all events, went to establish a great and valuable principle, though it left this country far behind Ireland, where no women were employed in mines; and far behind Prussia, where no boy was admitted to labour in a mine, unless he could produce a certificate of confirmation, as a proof that he had gone through a course of religious education.

Viscount *Palmerston* had seen, with great pain, the amendments made by the House of Lords in this bill, because those amendments went to deteriorate the spirit of improvement evinced in this bill, to which there could be no objection whatever on political grounds. But, under the circumstances stated, the noble Lord had exercised a sound discretion in not calling on the House to negative those amendments. It was quite right, as the noble Lord had said, that those amendments, if carried out, would nullify the most important provisions of the bill, but it was to be hoped, that the good feeling of those engaged in mines and collieries would counteract the evil effect of those amendments. He regretted that the cordial support promised by the Government had not been given to the bill. He would not accuse them of backing out of their intentions, but their reluctanee to object to these amendments, proved that there was a power greater than their own which exercised a sort of coercion over them. When the Members of the present Government were in opposition they were in the habit of taunting the late Government with allowing themselves to be coerced by a portion of their supporters, but it appeared thst the present Government was subjected to the same kind of coercion. The late Government, however, when they yielded to such a pressure, did so only to go forward in the progress of improvement; the present Government allowed themselves to be coerced to abandon improvement.

Sir *J. Graham* said, the observations of the noble Lord rendered it necessary to offer a few remarks in return. On the introduction of the measure nothing could be more sincere and cordial than the support which he (Sir J. Graham) gave the measure, reserving his judgment as to a few details. The noble Lord had insinuated that his Colleagues in the other House of Parliament had not been disposed to support the bill. What were the present enactments of the bill? Why, the employment of boys under the age of ten years was prohibited, there was a limitation of the period of apprenticeship, and the employment of females in mines was also prohibited. All the great principles for which the noble Lord had contended stood as they were originally meant. He (Sir J. Graham) certainly did not think the alterations were inconsistent with the principles of the enactment. He thought they were fair, reasonable, and just modifications. With regard to what the noble Lord had stated of the coercion exercised over the Government, he believed that his Colleagues in the other House possessed in an equal degree the confidence of that House, in which they possessed that of the House of Commons. In the course of this Session the Government had carried through both Houses many extensive and important measures. They had commenced the Session, now so near its end, possessing the confidence of Parliament, and he believed they had not forfeited it at it ts close.

Lord *Ashley*, in explanation, stated, that when the course was taken in the House which rendered the changes inevitable, he (Lord Ashley) was asked if he would consent to them. His reply was, that he could not help himself; and that he was disposed to sacrifice the children in order to save the women.

Mr. *V. Smith* did not think the declaration of cordial support of the bill made by the Government, had been fulfilled.

Mr. *S. Wortley* said, that the workmen had it in their power to prevent it, if they did not wish their wives and children to go into the mines. At the same time he regretted some of the amendments which had been made by the other House.

Mr. *C. Buller* was afraid that the House of Lords was inclined to consider every measure in relation to landed property, rather than to humanity; but it had been hoped that the influence of the Government would have induced the Lords to pass this bill without amendment. There was but one way to prevent women and children from being employed in mines and collieries, and that was, not to allow them to enter them. The fate of this bill would deprive the Government of one great source of strength, namely, the belief hitherto entertained that the Ministry possessed the confidence of the House of Lords. What trust could they have after hearing the support given by the right hon. Gentleman opposite to this bill, when they heard one Member of the Government in that House say, that the Government was passive, and another most illustrious Member of that Government sneer at the evidence upon which it was founded. True, the House of Lords had passed the Income-tax and the tariff, although he believed they would have made the latter infinitely worse if they had not been prevented from doing so by the rules of the House of Commons, which precluded any alteration in the bill. He was afraid also that they would damage the Bribery Bill, notwithstanding the assurance given by the right hon. Baronet that he would support it.

Sir *R. Peel* said, it would be curious to contrast the fears of hon. Gentlemen at the beginning of the Session, with the fears expressed by them at the present moment. The House of Lords had, during the present Session, given their ready assent to the Corn-bill and the tariff, two measures making greater changes than any which had been introduced of late years. Yet all that was no avail, but because the House of Lords had made some alteration in a bill, which had not been brought in by a Member of the Government, this circumstance was immediately assumed to be a sign of dis-union. He believed that the Bribery bill would pass the House of Lords without amendment, but he would not pledge himself that the House of Lords would adopt all the details of any bill. The House of Lords was a deliberative body, and had a perfect right to make any modifications in the bill which it might think desirable. With regard to some of the amendments, he would admit that he was sorry they had been adopted, and should experience show the necessity of further alterations, he would be quite ready to lend them his support. But with regard to others he thought they were improvements. For instance, suppose a man working in a mine should break his leg, or should be at the point of death, as the bill had left the Commons, it would have been extremely hard to have prevented his wife or daughter from coming into the mine to see him. It would be rather hard to prohibit a child from taking its father's dinner to him while working in the mine. The object of the law should be to distinguish between young persons going into mines for the purpose of being employed there, and young persons entering a mine for other purposes. He agreed with all that had been said as to the credit due to his noble Friend (Lord Ashley) for his exertions in this cause; but the satisfaction he must feel in his own mind would be greater than any he could derive from his (Sir R. Peel's) praises. He protested against the doctrine that the House of Lords had not a right to make any amendments which it deemed advisable in the bill. By whom had this fatal blow, as it was called, been struck at the bill? It was a proposition of a noble Lord who had been much in the confidence of the late Government, and who had been only a few weeks before the resignation of that Ministry made Lord Chancellor of Ireland. [An hon. *Member:* It was Lord Hatherton.] Lord Hatherton made the suggestion, but the words, "for the purpose of being employed therein," were proposed by Lord Campbell. And as that fatal blow was struck by that noble Lord, he thought his noble Friend ought to have called upon him some morning, and, telling him that the bill was of the utmost importance, have used his influence to prevent his noble Friend from originating such a proposition.

Mr. *Brotherton* regretted that the discussion assumed so much of a party character. The noble Lord, he thought, exercised a wise discretion in acceding to the amendments, though he (Mr. Brotherton) regretted that females would be allowed to go down into the pits.

Mr. *Hawes* thought, that an unfair imputation had been thrown out against his side of the House by the right hon. Baronet. What he complained of was, that a Minister of the Crown in that House gave his support, in the name of the Government, to the bill, while in another House another Minister of the Crown said, he was perfectly free with regard to it.

Mr. *B. Wood* was not a mine-owner himself, but he knew that throughout the whole of the county of Cornwall women were not allowed to go under ground; it would be considered a disgrace for any woman to do so. With respect to a woman taking her husband's dinner to him, was it likely that a woman would take his dinner 200 or 300 fathoms below the surface of the earth? It was never done. The man took his dinner with him in a basket or in some other way, if he took it with him at all. He (Mr. Wood) never in his life knew a woman go under ground on account of her husband being wounded. If an accident happened to a man, the first thing done was to get him to the surface, and in general the first intimation given of an accident was the raising the man out of the mine. He thought the noble Lord was entitled to the support of the House and the Government.

Mr. *Villiers* said, with respect to what had been said of the indifference of the workmen to the feelings of those dependent on them, he believed that these people felt as much for their children as persons in a higher rank of life. It was only by distress that they were driven to do that which was imputed to them.

The *Attorney-General* thought that the amendments were salutary, as many of the original clauses were extremely stringent in their operation.

Mr. *M. Philips* also thought that the provisions had been too stringent. In mines, for instance, on an inclined plane into which you could walk with ease, it was very hard to say, that under no consideration should women be allowed to enter them.

Amendments agreed to.

BOROUGH INCORPORATION BILL.] House in committee on the Borough Incorporations Bill. A conversation ensued between Mr. Aglionby, Sir J. Graham, Mr. Mark Philips, Sir R. Peel, Mr. Milner Gibson, and other Members, on the subject of a compromise, in the course of which

Sir *Charles Douglas* said, that he was very glad that the question was then reduced to one of compensation. He was sure that the hon. Member for Manchester was not a man to take advantage of any quibble or technical objection,—it was foreign to his nature to interfere with the progress of a measure by means of any quibble; but it certainly was the understanding that the claim of Mr. Mylne should be considered; that was the sum and substance of it, and after what had passed he would only say one word more upon the subject. It had been reported that he had made an agreement with the Government that they should bring in the bill to make the charters valid. As far as the charters were concerned, he had nothing to do with them—his object was to give compensation to those whose claims had been acknowledged by the House last year, and nothing else; and he had not in any way interfered with the confirmation of the charters, or given any opinion on that question.

Bill passed through the committee.

House resumed.

REFUSAL OF THE CHILTERN HUNDREDS.] Lord *Palmerston*, in rising to move for

"Copies of any correspondence which has taken place since the 1st day of July last, between the Chancellor of the Exchequer and any Member of this House upon the subject of the Stewardship of the Chiltern Hundreds,"

said he could not abstain from bringing under the notice of the House a matter which seemed to affect if not the privileges, at least the independent action of its Members; he alluded to the correspondence which had taken place between the right hon. Gentleman the Chancellor of the Exchequer, and Lord Chelsea. The right hon. Gentleman had been applied to by Lord Chelsea for the Chiltern hundreds, and the reply returned by the Chancellor of the Exchequer was no doubt written by the right hon. Gentleman as an organ of the Government. In the letter in which the right hon. Gentleman refused to comply with the application he expressed himself in these terms:—

"Under ordinary circumstances I should not feel justified in availing myself of the discretion vested in me in order to refuse or delay the appointment for which you have applied, when sought for with the view to the resignation of a seat in Parliament. But after the disclosures which have taken place with respect to certain boroughs, of which Reading is one, and after the admission of the facts by the parties interested, I consider that by lending my assistance to the fulfilment of any engagements which may have been entered into as arising out of such compromises, I should in some sort make myself a party to transactions which I do not approve, and of which the House of Commons has implied its condemnation."

And the right hon. Gentleman then went on to say,—

> "I feel, moreover, that by a refusal on my part of the means by which alone such engagements can be fulfilled, I afford the most effectual discouragement to the entering into similar compromises in future, and thus promote, so far as in my power, the intentions of the House of Commons."

Now, his objection to this course was of a twofold character. First, it appeared to him to be inconsistent with the understanding upon which parties appeared before the committee; and, in the next place, he thought it was inconsistent with the spirit of the constitution. It was a clear and distinct understanding that if the parties whose proceedings were to be inquired into before Mr. Roebuck's committee should before that committee make a full disclosure of what had taken place, and a full admission of any facts in which they were concerned, they should be completely indemnified, and saved harmless from any injury which might otherwise arise from the disclosure. The refusal of the Chiltern Hundreds by the right hon. Gentleman must have been considered as an inconvenience or punishment to some one—either to the individual to whom the stewardship was refused, or to the individual who expected to acquire the seat when it was vacated by Lord Chelsea; otherwise it should not have been mentioned in the latter part of the letter, as a discouragement of such compromise in future. Now he thought that by retaining any person in Parliament who wished to go out of it, or by preventing another person from coming into Parliament who had an opportunity of so doing, the right hon. Gentleman was violating the understanding upon which the committee had proceeded. It was, moreover, a mistake to suppose that the refusal of the Chiltern Hundreds would defeat the terms of the compromise. One result of that refusal would be, that in consequence of the agreement entered into by Lord Chelsea, he would have to forfeit 2,000*l.* Lord Chelsea might perhaps prefer forfeiting his seat. Many persons would give 2,000*l.* (as they had learned from those proceedings) to obtain, and others would give the same to retain, a seat in that House. He, therefore, thought that there had clearly been a departure from the understanding upon which the committee had proceeded. The result of a refusal of the Chiltern Hundreds was, that a Member who was supposed by the Government to have obtained his seat by bribery, and who entered into a compromise for the purpose of preventing inquiry, was retained, and the electors were deprived of the opportunity of exercising their franchise in the election of another candidate. It might be assumed that the same rule would be followed in the cases of Harwich and Falmouth, but to those cases his objections would equally apply. He would not inquire whether it was right for Members of Parliament to relieve themselves of the duties they had assumed as representatives of the people, but, by the practice of centuries, it had been an ordinary rule, that when any Member, whatever his motives might be, or to whatever party he might belong, wished to withdraw from the House of Commons, he should be enabled to do so, on application to the Government of the day, by having the appointment of the Chiltern Hundreds conferred on him. There were only two cases in which Government would be justified in refusing to comply with such an application, the one would be the case of a person in a state of mental incapacity, and the other the case of a party over whom certain proceedings were hanging, as, for instance, a motion for his expulsion; for in that case a Member would be in a situation similar to that of an officer who might demand to be allowed to resign his commission when about to be tried by a court-martial. But if, when a Member of Parliament wished to retire from his seat, Government was to take upon itself to inquire into his motives, an entirely new principle would be introduced, and one that would give the Government a most inconvenient control over public men. An Opposition leader might, for instance, have been defeated at a general election, and another Member might be willing to vacate his seat, that his friend might be elected in his place; suppose, then, the Government chose to say, "We will not be parties to such an arrangement, and to prevent its being carried out we will refuse the Chiltern Hundreds." He (Viscount Palmerston) did not mean to say that there was any reason to suppose that the Government had been actuated by such a motive on the present occasion, but he was only endeavouring to show to what serious consequences the carrying out of such a principle might lead. He would conclude by moving for the correspondence already described, and in doing so he did not apprehend that any objection would be made. His motive in bringing forward the motion was to afford her Majesty's Government an opportunity of stating what their reasons were for acting as they had done.

The *Chancellor of the Exchequer* begged to second the motion of the noble Lord, and, in doing so, he afforded the strongest proof in his power that, so far from objecting to the production of the correspondence referred to, it was his wish that it should be made public. He made the letter he had addressed to Lord Chelsea an official letter, for the especial purpose that it might be matter of record. He was most anxious that, in the course he had pursued, he might not establish any precedent which might lead to such a partial application of the grant of the Chiltern Hundreds as had existed at some periods, and to which no one could entertain stronger objections than himself. He thought he could not better express his opinion than by referring to his letter to Lord Chelsea. He thought it was not extraordinary that the noble Lord opposite should take a different view of this subject to that which he entertained, for, when the question of compromise was first broached, the noble Lord said, he did not conceive that there was any impropriety in such compromises. The noble Lord had objected, on two grounds, to the course pursued by Government. He said that, in the first place, their conduct involved a violation of the understanding which was entered into when an investigation was instituted; and also, that it was at variance with the spirit of the constitution. The noble Lord said, that an understanding existed that no punishment should be imposed on any parties, in consequence of the disclosures they might make before the committee; and he contended that, in refusing the Chiltern Hundreds to Lord Chelsea, her Majesty's Government had violated that understanding, and had acted in opposition to the wish of Parliament. The noble Lord, however, appeared to take a different view of the question to that which he entertained. He had the power of granting or withholding a certain office, which was sought for by a certain party, with a particular object; and it was not for him to consider whether, by the refusal of the application, any punishment was inflicted on the applicant, but he was bound to regard his own position, and he was entitled to act upon his own judgment. He could not make himself a direct party to a transaction of which he did not approve, and which the House had pronounced to be improper. The noble Lord had justly supposed that he was prepared to pursue the same course, which he had adopted in this case, with respect to the other two boroughs to which the noble Lord had referred; and if the hon. Members for Falmouth and Harwich applied to him, for the stewardship of the Chiltern Hundreds, he would, undoubtedly refuse the application. The noble Lord said, that, by refusing the application, the Government retained, as the representative of a borough, an individual who had entered into a compromise, and who was supposed by the committee to have been guilty of bribery; and the noble Lord had intimated that they ought rather to have facilitated the removal of such an individual from his seat, in order that his constituents might have the opportunity of electing another representative. He did not think, however, that this was a fair representation. He would take the case of Harwich. A compromise was entered into with respect to that borough, by which it was agreed that Major Beresford should apply for the Chiltern Hundreds, and should vacate his seat in favour of an opposing candidate. But was it shown that Major Beresford was the party who had been guilty of bribery? Did it not appear, throughout the transactions, that Major Beresford was no party to the bribery which had been committed; but that the money which had been spent was expended by the gentleman who was, by the compromise, to have obtained the seat? He felt it his duty to discourage these compromises, and he could only do so by determining that, where the House decided that a compromise had been made, he would not render himself a party to the transaction. He believed that the knowledge that such compromises could not be carried out, would most effectually prevent their being entered into. He could conceive cases in which compromises of this nature might arise from the most corrupt motives. If, therefore, he admitted the principle that he was bound, in all cases, to grant the stewardship of the Chiltern Hundreds to persons who applied for the office, he made himself a party to the transaction, and he thought that that was a position in which he ought not to place himself. With regard to the constitutional part of the question, he agreed with the noble Lord that, on ordinary occasions, the grant of the Chiltern Hundreds—without reference to political considerations, or to the particular reasons which might induce individuals to retire from Parliament—was a matter of course. He was sure that hon. Gentlemen opposite would do him the justice to admit, that he had always given as prompt attention to their applications as to those of hon. Gentlemen on his side of the House, and nothing had occurred which could induce him to pursue a different course. The noble Lord had stated, that it was unusual to refuse the Chiltern Hundreds, except on account of mental incapacity, or where proceedings were pending for the expulsion of the applicants from their seats. In this case, however, the House had decided that compromises had been entered into, which had the effect of obstructing the investigation of bribery; the House had condemned those compromises, and had adopted measures for their prevention, and he conceived that a distinct indication had thus been held out to him, as to the course it was his duty to pursue, with respect to the grant of the office to which allusion was made. These were the reasons which had influenced him to adopt the course to which the noble Lord had called the attention of the House. He should most deeply regret acting in opposition to the general wish of the House, but he was most desirous to avoid any connection with the transactions to which reference had been made; and it was because he felt that he was fulfilling the intentions of the House, in discouraging such compromises, that he had pursued this course.

Mr. *Hume* thought the right hon. Gentleman had pursued a proper course, and that if he had granted the application of the noble Lord for the stewardship of the Chiltern Hundreds, he would have been guilty of an insult to the House. He believed that the course adopted by the right hon. Gentleman would effectually tend to prevent such compromises from being entered into in future.

Mr. *V. Smith* thought the House was indebted to his noble Friend for having brought this subject forward; for, if the only means they had of retiring from this House was by the grant of the Chiltern Hundreds, on application to the Chancellor of the Exchequer, he thought it was necessary that they should carefully watch the cases in which such applications were refused. In the present case, the right hon. Gentleman had acted from proper motives; but he thought the sooner they got rid of this system of getting out of the House the better, for it was but the maintenance of a barbarous fiction. The system was adopted on the assumption that, as the Members were returned by the people, they ought not to be allowed to retire from the House on slight grounds; but, as a seat in Parliament was now an object of considerable ambition, he thought there was no necessity for the continuance of such a regulation. It placed a power in the hands of the Government which might be most grossly abused. He believed that this power was used on one occasion by Lord North to prevent a powerful political adversary from obtaining a seat in that House. He did not quite agree with the right hon. Gentleman opposite on one point. The right hon. Gentleman had said that the refusal of this application had the effect of defeating the compromise. But there was an alternative in the arrangement. Lord Chelsea was bound to vacate his seat, and to obtain it for another person, or he was liable to the forfeiture of 2,000*l.* Lord Chelsea might be called upon to pay this amount; and therefore, though the right hon. Gentleman had prevented the noble Lord from fulfilling his agreement in one respect, by vacating his seat, he had not succeeded in defeating another part of the bargain—the forfeiture of the 2,000*l.* The hon. Member for Montrose thought that further proceedings ought to have been adopted against the parties implicated by the disclosures made before the committee of the hon. and learned Member for Bath. The right hon. Baronet opposite, however, opposed such a course, and he (Mr. V. Smith) supported the right hon. Baronet. He must confess that he was of opinion this act of the Chancellor of the Exchequer was a violation of the understanding which existed when the committee was appointed, for it inflicted severe punishment on an individual, compelling him to retain his seat, and subjecting him to the forfeiture of 2,000*l.* It was acknowledged that the electors of Reading were represented by a gentleman who had obtained his seat by improper means, but the Chancellor of the Exchequer refused to allow such an individual to vacate his seat, and therefore, the electors of the borough were misrepresented. or they were represented by a gentleman who had acquired his seat by unlawful means.

Sir *R. Peel:* The noble Lord who introduced this subject said very justly, that this was not to be considered the individual act of the Chancellor of the Exchequer, but the act of the Government. His right hon. Friend (the Chancellor of the Exchequer) felt that this application differed materially in its character from the ordinary applications made to him; he wished to have the advice of his Colleagues, and their unanimous opinion he believed was, that the arguments in favour of withholding the grant of the Chiltern Hundreds to Lord Chelsea, preponderated over those against pursuing that course. It was, he admitted, a case with respect to which different opinions might fairly be held; but he thought the course which had been adopted was the wisest which, under the circumstances, could be pursued. The decision, he might observe, was not formed particularly with regard to the case of Lord Chelsea. He admitted this was a case which involved very conflicting considerations, and on which persons might come to very different conclusions without their motives being liable to any impeachment. The noble Lord and the hon. Gentleman had concurred in acquitting the Government of being influenced by any improper motives, in pursuing the course they had adopted. He thought that, under ordinary circumstances, the Chancellor of the Exchequer ought not to exercise his discretionary power of refusing the Chiltern Hundreds; where no case of suspicion existed, he thought the request for the stewardship ought to be granted; and he thought it would be a gross abuse of power if the Chancellor of the Exchequer was influenced by any political considerations in refusing an application for the Chiltern Hundreds. It had been said, there was an understanding that no parties giving evidence before the committee should be damnified by the disclosures they might make. That was his (Sir R. Peel's) opinion; but he considered that such an understanding extended only to a vote of censure by the House, a declaration that a breach of the privileges of the House had been committed, or any implied reflection upon the parties. The question here was, however, what course the Chancellor of the Exchequer ought to pursue— whether he ought to grant this application? If in private life two parties, without consulting an individual, wished to make him the tool of an improper compromise and one of which he disapproved, what would be his course? Would he not refuse to accede to their request? If they said, "We have made an engagement that you shall do a certain thing," would he not reply, "I disapprove it, and I refuse to accede to your request?" So the Chancellor of the Exchequer, feeling that this compromise was an improper one, and knowing that the House had declared it to be so, was bound by his duty to the House of Commons to refuse to be made a party to the transaction, though such refusal might be productive of some injury and inconvenience to the parties concerned in the arrangement. The proposal in this case was—

> "That one of the sitting Members shall vacate his seat in such time that a new election may take place during the present Session; and that both of them shall use their utmost endeavours to secure the election and return of the petitioner at the next election for the borough of Reading (whether caused by such vacating, by death, advancement to the peerage, or any other circumstance), without opposition, and to induce the Conservative electors of the Borough of Reading to do the same."

His right hon. Friend was asked to become a party to that arrangement. He was asked, in fact, to induce the Conservative electors to vote against their principles; and his right hon. Friend had, he thought, acted a prudent and rational part in refusing to be a party to such a proceeding. If this compromise had been effected, who was to have been returned in the place of the sitting Member? A gentleman whose political principles were opposed to those of a majority of the voters. And what, according to the evidence, had been the conduct of this gentleman? It appeared that a person had, on his behalf, offered to withdraw the petition against the sitting Members, on condition that one of the seats should be vacated, or that 2,000*l.* should be paid.

The witness said, that the person who made this proposal stated, that he was not authorized by Mr. Mills to make it, but that it proceeded from a party in confidential communication with Mr. Mills, and who must be aware of his sentiments on the subject. Had not his right hon. Friend acted most properly, after such evidence, in saying, "I decline to be a party to this arrangement. I have a discretionary power which, under ordinary circumstances, ought not to be exercised; but, after these statements, I positively refuse to be mixed up in the transaction, and I must decline to grant your application for the Chiltern Hundreds?" That was, he conceived, the proper course to pursue, and he believed the most effectual mode of preventing these compromises from being entered into in future was for his right hon. Friend to say—"Whatever arrangements you may make among yourselves, I give this public notice that you shall not commit me by them." He thought the majority of the House would concur in the opinion that his right hon. Friend had been influenced by just principles, and that he had taken a course which would effectually discourage these compromises, without incurring any risk of the abuse of the power confided to him of granting the Chiltern Hundreds.

Mr. *R. Yorke* thought, that they should watch with great vigilance the power which was vested in the Chancellor of the Exchequer respecting the granting of the Chiltern Hundreds; but in the present instance he thought he had acted properly.

Captain *Plumridge* said, he had intended for some time to apply for the grant of the Chiltern Hundreds; and he had at that moment a letter in his pocket containing an application to the Chancellor of the Exchequer for the stewardship. He had been advised by some friends not to make the application, and he had delayed doing so; and he thought he should exhibit very bad taste if, after what had taken place, he sent the application.

Motion agreed to. Correspondence laid on the Table and ordered to be printed.

House adjourned at a quarter past five.

HOUSE OF LORDS,

Monday, August 8, 1842.

Minutes.] Bills. *Public.*—1ª. Newfoundland.

2ª. Lunatic Asylums (Ireland); East India Bishops; Consolidated Fund; Exchequer Bills; Canada Loan; Ecclesiastical Corporations Leasing.

Committed and Reported.—Militia Pay; Tobacco Regulations; Bribery at Elections; Designs Copyright; Slave Trade Suppression; Slavery (East Indies).

3ª. and passed:—St. Asaph and Bangor Preferments; Dublin Boundaries; Four Courts Marshalsea.

Petitions Presented. From Calico Printers (3 petitions), in Favour of the Designs Copyright Bill.—From Grand Jurors of Donegal, against the Medical Charities (Ireland) measure.—From Parochial Schoolmasters of London and Sligo Presbyteries, for the amelioration of their condition.

OUTRAGES—(IRELAND.)] Earl *Fortescue* in moving pursuant to notice for a return of outrages reported by the Constabulary in Ireland, for the last month, begged to assure their Lordships that nothing but a strong sense of public duty would have induced him to trespass on their attention at this late period of the Session, when they must all be naturally anxious to bring its labours to a close. He might however, he thought, claim both for his noble Friend and himself, the credit of not having offered any vexatious opposition to the measures of her Majesty's Ministers. But whenever questions relating to the Government of Ireland had been introduced, they had always been ready to give to the head of that Government the fullest credit for the purity of his motives and the rectitude of his intentions. His observations on the present occasion should be in the same spirit, his object was not to throw blame on the Irish Government, but rather to guard them against the suspicion of tolerating practices, which, if what had been stated respecting them was true, were no less disgraceful to their authors, than cruel to the people and destructive of all social confidence and good faith. With respect to the particular subject of his motion; he must say, that he had always looked with great interest at the Constabulary returns, knowing the care and accuracy with which they were made out under the superintendance of that able and excellent officer colonel Macgregor, and he regarded them, therefore, as pretty sure indications of the temper and disposition of the mass of the people. In the two years and a half, during which he was at the head of the Irish Government, he had had the satisfaction of seeing a gradual reduction of crime, he wished he could say that this had continued to the present time, but while in the first six months of 1841, the number of outrages of all sorts reported by the Constabulary was 2,449, in the corresponding period of the present year they amounted to 3,551, and in twelve classes of more serious outrages upon person and property selected from the general return, the Number during the first half year of 1841 was 897, while in the same period of this year they amounted to 1,166, showing an increase in these graver offences of 269. He did not make this matter of charge against the Government; as he well knew that outrages might sometimes occur from causes which no Government could wholly prevent, but if as he believed the diminution of crime had been in great measure produced by an increased confidence in the administration of the laws, it surely was fair matter for consideration whether anything had lately occurred to abate that confidence. Now the first act of the present Government was to dismiss eight stipendiary magistrates, on the ground that their duties could be as well performed by the local magistracy. That he did not consider a wise measure. The great majority of the resident gentry of Ireland differed in politics and religion from the mass of the people, who on that account would not feel the same confidence in their administration of the laws, as the people here do in that of the magistracy of this country, even if the Irish gentry were as a body, which he believed they were not, as judicious and temperate in the discharge of their magisterial duties as the English. It was therefore important to have paid functionaries in particular districts, who would assist, and at the same time be some check upon the unpaid local magistracy. And he felt sure, that where that was the case the people had greater confidence in the administration of justice. The removal of the eight stipendiary magistrates was therefore, in his opinion, an ill advised step, neither did he think that *ex-officio* prosecutions by the Attorney-general against newspapers for calling in question the manner in which juries were selected, was the best mode of showing the people that those selections were fairly made; more especially when the judge who tried the case, in his charge to the jury, laid down doctrines respecting the law of libel utterly subversive of everything like fair discussion by the press, and described the publication under trial, in terms partaking more of the eager vehemence of the advocate, than of that grave and deliberate caution which ought always to mark addresses from the Bench. But on these questions there might be difference of opinion, and the majority of their Lordships might possibly consider, that the Government, the Attorney-general, and the Chief Justice were right and that he was wrong, but in that to which he was about to call their attention, there could be no two opinions in the mind of any honest and right thinking man. At the late Assizes for Armagh four men were tried for Ribbonism, found guilty, and sentenced to seven years transportation—with the sentence he had nothing to do. It might be quite just for aught he knew, but there was a circumstance on the trial which he felt bound to notice. A witness named Hagan, stated in his examination, that he had been arrested on a charge of Ribbonism, and was released on heavy bail, and was at large from September to February. That during that period he was employed in concocting Ribbon passes and other documents; that he had scattered above sixty of these through the country, and had made several Ribbonmen; that all he was doing was known to the magistrates; that he had told it himself to the Provost of Sligo, and that his canvassing for Ribbonmen was under the direction of magistrates. Now this was either true or false. If true, the magistrates who could so act were utterly unworthy to hold their commissions, but if this miscreant's account were false, what reliance could be placed on the rest of his evidence? What he (Lord Fortescue) wished the Government to do was to institute a strict investigation into the matter, and if the magistrates should have been found to have acted as described, to visit them with its severest displeasure. If they were innocent, it was due to them to have the calumny exposed, but most of all, it was essential for the Government to mark their reprobation of practices which, if supposed to be tolerated or connived at by them, would utterly destroy all confidence in the administration of the law, and would render Ireland once more a prey to that system of outrage and bloodshed from which she had been for some time happily exempt. The noble Lord concluded by moving—

> "That there be laid before the House a return of outrages reported by the Irish constabulary during the month of June last."

The Duke of *Wellington* had no objection to the production of the returns which the noble Earl required, nor should he have thought it necessary to say a word on such a motion if the noble Earl had not thought proper to draw conclusions from the comparative number of offences which appeared on the face of the returns already made, for the first six months of the present year. The noble Earl had drawn from those returns conclusions against the system of Government carried on by the Lord-lieutenant of Ireland and by the noble Lord the Irish Secretary, and also against some highly respectable and respected persons now filling the highest judicial situations in that country. He thought that the recollection of former discussions on this subject might have recalled to the mind of the noble Earl circumstances which might have occasioned a difference in the amount of crimes reported by the constabulary in different years, without the necessity of calling in question the system of Government in Ireland, and above all, the system of administration of the law by persons at the head of the criminal justice in that country. Admit it to be true that there were more outrages committed in the first six months of 1842 than in those of 1841, at least that it so appeared by the constabularly returns, still it might happen that the constabulary were more active, and discovered more of those offences in one year than in another. Surely it would not be fair to omit so important a consideration as this, when a noble Lord was about to cast blame on the Government and on the administration of justice. As to what took place at the trial before Lord Chief Justice Pennefather at the assizes at Armagh, all he could say was, that from all he knew of the high character of the learned individual who filled the situation of Chief Justice, he did not think that on the bench in either country there was one more distinguished for his great ability and strict impartiality in the administration of the law. It was not therefore to be supposed that in almost the outset of his career as Lord Chief Justice he would deliver a charge more in the spirit of an advocate than a judge, he would not say more on that point, but that it formed no ground for the alleged increase of crime in 1842, as compared with 1841. As to the witness Hagan, he had made inquiry into the case, and learned that his testimony was supported by that of others who were credible persons, and that the parties on trial had been convicted by the fullest and most satisfactory evidence. The noble Earl had adverted to the conduct of the person who had been admitted as King's evidence, and who stated that the magistrates knew of his conduct in endeavouring to induce others to become Ribandmen, and that they encouraged him in such proceedings, and that the Provost of Sligo had also given him similar encouragement. He had been informed that at the trial the counsel for the accused had made a similar charge against the Government, but that before the trial closed the learned Gentleman withdrew it, finding, as he stated, that it had no foundation whatever. The charge against the Provost of Sligo and against the magistrates was equally groundless. In fact, it appeared that when the provost released the man Hagan, he told him in the presence of several magistrates to avoid going again into such society as he had mixed with. There was no more ground for charging the magistrates with any knowledge or encouragement of this man's conduct than there was for charging the Government. If any magistrates could be guilty of such conduct as receiving information of this kind, and employing such a person to get it, and to induce others to become Ribandmen, they would deserve and would receive the severest marks of the displeasure of Government. Nothing could be more base or more unworthy the character of a man or a magistrate than such a proceeding; but in proportion as a charge was severe so should the inquiry into it be strict. He understood that the Government of Ireland had directed inquiries to be made, in order to ascertain the facts on this subject; and they would take due notice of the conduct of the magistrates, if it had been such as the noble Earl described.

The Marquess of *Clanricarde* did not understand the noble Earl to say, that the evidence given at the trial of the Ribandmen inculpated the Government; but it did, to a certain degree, the Provost of Sligo and the magistrates. The witness said, the magistrates were aware of his conduct. This witness might not be worthy of credit; and it was not for him to say, that the magistrates were guilty, as their inculpation only rested on the testimony of this individual. The noble Duke said, it was quite impossible that the Lord Chief Justice of Ireland, bearing so high a character as he did, could have made a charge such as described by the noble Earl. He had only become acquainted with the charge by the usual means of public information; and, if correctly reported, he thought a greater misfortune could not befal that learned individual's reputation, no matter what his previous reputation might have been, than to have his character, as a judge, connected with that charge, as reported in the public newspapers.

The Earl of *Wicklow* knew nothing of the case, but it appeared an inconvenient and unjust proceeding to throw out imputations of this kind, founded on mere newspaper report, against one of the most able and learned judges on the Irish bench, who was charged with being a party, by his proceedings, to the increase of crime in Ireland. If the noble Earl, before commenting on the learned judge's charge, had inquired whether the report were correct—[Earl *Fortescue :* "Hear."] Then he understood the noble Earl had made previous inquiry; but the noble Marquess certainly rested his accusation on newspaper report. With respect to the witness Hagan, it should be recollected that his evidence was corroborated; and when he said that the magistrates were aware of his conduct, did he mean that they were aware of it during the whole course of his proceedings, or only at the time of the trial? Of course they must have been aware of it at the time of the trial, and this constituted no charge against the magistrates whatever. He could not approve of the reason given by the noble Earl for complaining of the dismissal of some stipendiary magistrates, especially when he considered the high position which the noble Earl had held, and might again occupy in Ireland. The noble Earl said, that the local magistrates had not the confidence of the people, because they were not of the same politics or religion as the bulk of the population. It followed from this that the noble Earl would appoint stipendiary magistrates on account of their politics and religion. Now, he had had experience for a quarter of a century as a magistrate, and he did not believe that the Catholic people valued a magistrate either for being a Roman Catholic or professing liberal politics; but he had invariably found them place confidence in individuals whose high station or great property pointed them out as fit to exercise the magisterial functions.

The Earl of *Glengall* said that the increase of crime in Ireland began before the late Government went out of office; it had been regularly increasing since 1840. In that year the number of crimes, according to the constabulary returns, was 4,677; and in 1841, during a great portion of which year the late Government was in office, the number had increased to 5,360. That class of crimes to which the noble Earl had alluded, had also increased in 1841, as compared with the amount in 1840. In 1841 the elections took place, and some increase of offences at that time might naturally be expected, but a vast number of these were not comprised in the constabulary returns. During the last election for Tipperary, several persons were wounded and killed; but the wounded were concealed, and the killed were buried. After such turbulence, occasioned by the elections, it was no wonder that the next year's returns should show an increase of crime. The late Government had boasted of possessing the confidence of the people; but they certainly never enjoyed it to the extent they wished it to be supposed. He would substantiate this statement by quoting some passages from a speech delivered by Dr. M'Hale, Titular Archbishop of Tuam, delivered on the hustings at Mayo when he nominated Mr. Browne. Dr. M'Hale "leaned," it was reported, "with a heavy hand on his *quondam* allies, the expiring Whigs, who," he declares,

> "Are only less bad than the Tories, and who were checked in manifesting the exuberance of their hatred to a religion to the political influence of whose professors they owed their own power, were artful enough to keep up the cry against their political opponents, and to justify their own political profligacy, by a reference to the worst tyranny of the Tories. It would seem as if they were justified in doing evil because the Tories had done or might do worse; and whilst they pointed the attention and the fears of the Roman Catholics to the battering-ram with which the Conservatives would beat down our faith, they were insidiously working the engines of the mine."

And again,

> "The unfortunate Whigs overshot the mark. Had they asserted the interests of the empire, whilst they had yet violated no pledge and stood firm in the confidence of the country, they might have gone out of office with general regret, but they would soon have been triumphantly brought back on the shoulders of the people. Instead of that they forgot their plighted faith; they ministered to individual cupidity, instead of consulting the public interest. They created stipendiary magistrates, and inspectors, and commissioners, and chiefs and sub-chiefs of police, and a whole host of unnecessary functionaries, increasing the local taxation of the people, and so exhausted the confidence of the great influential masses of the nation, that they were on the brink of expiring of a political consumption. They deserved their fate; it would be a lesson to all succeeding Administrations. Let it not be

imagined that it is the dispensation of a well-merited patronage that demands animadversion. Were places conferred as the reward of political principles or national spirit, it would be expected that those principles and that spirit should be more manifest in proportion to the extended range of their operation. But when you find the place-hunters ridiculing in office the very principles by which they sought preferment, we must infer that the place was conferred, not as a reward for their patriotism, but as a bribe for their apostacy. Nay, more, when of these Irish Catholics, of very flexible political integrity, the least possible number is chosen for office, just such a number as may be sufficient to keep the expectants from open mutiny, whilst the English and the Scotch, the Tory and the Radical, are taken to the high places of trust and emolument, is it not evident that the boasted justice of the Whigs towards Ireland is only the crumbs which they cast to the importunity of selfish suitors, and that the little of benevolence which they have displayed towards this country is entirely ascribable to the spirit of its people, whilst their bigotry and their tyranny are all their own? The petty and vindictive religious annoyances of the Whigs will be at an end. None but a peddling miserable Ministry could devise such expedients for keeping up the ascendancy of the Protestant establishment. To that anti-national object their labours and their vigils were chiefly consecrated, and the last act almost of their political existence—the exaction of the million from those who had already suffered such long and harassing tithe martyrdom, notwithstanding repeated assurances of its remission—fully attests the cordial devotion of those pretended friends to that very establishment to which Ireland owes all its misery. It is not only to our faith, but also to our nation, they marked their enmity; and, whatever department you cast your eyes on, you are sure to meet groups of aliens as the tenants of the principal places. You must, whether the Minister of the day be Whig or Tory, rely on your own energies and your own intelligence. We have been oppressed of old by the one—we have been recently deceived by the others—but in future it will be our duty to watch, and suffer not your credulity to be betrayed by hollow promises, nor force to trample on your constitutional rights."

Those were the opinions of Dr. M'Hale, with respect to the administration of the Whigs, and they confirmed his own view, that the present was better than the late Government for Ireland.

Lord *Fitzgerald* did not rise to defend any part of the transaction, but he thought that the assurance given by the noble Duke, that the assistance of Government would be given and would be followed up fairly and honestly, ought to be satisfactory. He would merely observe, that if Mr. Fawcett and the other magistrates were guilty, so was Mr. O'Brien.

Earl *Fortescue* rejoiced that his having brought this subject forward had elicited the declaration of the noble Duke, which was honourable to the Government, and would be gratifying to the country.

Motion agreed to.

MARRIAGE LAW (IRELAND).] The *Lord Chancellor* begged to lay before their Lordships the report of the committee which had been appointed to consider the state of the marriage law in Ireland. The committee proceeded to examine witnesses; but in the course of their proceedings they were informed that certain proceedings had taken place in Ireland, and that a special verdict had in one case been returned, in order that the question should be argued before the Queen's Bench, the decision in which court would be reviewed in all probability by a writ of error before their Lordships. The judges had been summoned, in order that their Lordships should have the advantage of their advice and assistance in considering the question of the marriage law, and laying the foundation of future legislation, if future legislation should be deemed necessary. That course had been acted on up to a certain point: but notwithstanding all the efforts he, as well as others interested in the question, had made, he found it impossible to have the writ of error decided by their Lordships before the judges went circuit. It was impossible then to come to a decision in the present Session of Parliament. In the mean time he was informed that great inconvenience arose from the present state of the law; that men were deserting their wives in great numbers, and that an immediate remedy was necessary to check the evil. This matter being brought before the committee, after carefully considering the subject, they came to the decision that the bill which had been referred to the committee, should be passed into a law for the purpose of legalising the marriages which had already taken place. Some amendments were suggested in the bill as it was originally framed, and he begged to give notice that he should move its committal to-morrow.

Lord *Campbell:* It must be in the recollection of their Lordships that he had presented a vast number of petitions from the Presbyterians of Ireland against this bill—that body comprising one half the Protestants of that part of the United Kingdom. They unanimously expressed their aversion to the bill which had been sent up from the other House on this subject, on the ground that it was an enacting instead of a declaratory law. It assumed that those marriages were null and void. and that the parties so married (unless the marriages were confirmed by act of Parliament) had lived in a state of concubinage, and that their issue were bastards. This subject excited but little interest here; but it filled the people of Ireland with consternation. In India, America, and all our colonies, the validity of such marriages must be called in question. It was distinctly announced that no legislation should take place until the question was judicially determined. A solemn warning was given by his noble and learned Friend (Lord Brougham) that marriages contracted pending the decision might be pronounced unlawful. He bore willing testimony to the eagerness of his noble and learned Friend on the Woolsack to bring this question on before the judges went on circuit. But why should not the judges be now assembled? His noble and learned Friend (Lord Brougham) must recollect a case where the judges were summoned to give their advice as to the validity or invalidity of a certain marriage. Would it be unfitting that the judges should be now assembled, and the Session prolonged a few days, in order to decide so momentous a question as whether thousands, and hundreds of thousands of their countrymen were lawfully married, and their children legitimate or bastards. But there was no necessity for summoning judges. His noble and learned Friend on the Woolsack promised to secure the attendance of six or seven judges. [The *Lord Chancellor*: I said I could reckon on five judges; but some of the bishops objected.] The bishops. Surely his noble and learned Friend dreaded no anathema from that quarter. And at all events he must have done better if he acted on the dictates of his sound judgment, than when he followed (with all reverence he said it) the extremely injudicious advice which had been given on this occasion by some right rev. Prelates. However, it was plain that, in addition to the judges, on which his noble and learned Friend reckoned, their Lordships might have the assistance of three noble and learned Lords who filled the highest judicial office, and whose opinions were universally respected. They might have the Master of the Rolls, and the judges of the Arches and Consistorial Courts—men eminent for all learning, but especially remarkable for their knowledge of marriage law. Amongst the witnesses examined before the committee, were Dr. Henry and Dr. Montgomery. The first said, that his own father, being dead, must be considered to have lived in a state of concubinage if this bill passed; and Dr. Montgomery added, that nothing could be more offensive to the whole body of the Presbyterians than such an enacting law. He could prove from laws passed in the Irish and English Parliaments, that the present bill was without precedent. In 1782—when the marriages of Presbyterians by a clergyman of their own body were in the same state of doubt as mixed marriages were now—an act was passed declaring them valid, but not at all amounting to an enacting act. In India, again, Presbyterian ministers sent out from Scotland, were in the same situation as in Ireland. In the reign of George 3rd, an act was passed, which stated in its preamble—

> "Whereas doubts have arisen, &c., as to marriages celebrated by ordained ministers of the church of Scotland, be it declared that such laws should be considered valid."

It had been said, however, that in the present case there could not be a declaratory law, because the decisions in Ireland pronounced these marriages void. In the first place, if that were the case, it would be no bar to their passing a declaratory law. There were several instances where a law was passed directly in the teeth of the opinion of the judges. He recollected one instance of the kind — Fox's Libel Act. Before that bill passed, the judges were assembled, to ascertain whether the jury was entitled to consider the question of law and fact, and they unanimously decided, that the jury had nothing to do with the law. But in spite of this, the House came to the decision, that it was the ancient common law of England, that the joint question came properly before the jury, and that they had unjustly been deprived of it. There was no necessity, however, in this case, of running counter to the decisions of the judges. There was a great majority of those decisions in favour of the validity of such marriages. The noble and learned Lord then referred to a number of cases, among others, the King *v.* Marshall, the King *v.* Wilson, the Queen *v.* Holloway. In one case, Judge

Moore said, in answer to an objection that such marriages were illegal, he wondered that the question should be raised, when the decisions on the circuit in their favour had been so numerous. The only legal authority in opposition to all these was a note in a book of a very acute barrister, deceased, Mr. Jacob; while in the opposite scale, lay the opinions of Sir Samuel Sheppard, Sir W. Scott, Chief Justice Dallas, Lord Ellenborough, and all the high authorities of our courts. In the first decision in Ireland, the judges decided without any great assistance; but in the Court of Queen's Bench, the question was argued (and he carefully read a report of the proceedings) in a most learned, elaborate, and satisfactory manner. No counsel in Westminster-hall could have argued it better—few so well. If ever there was a case for a declaratory act, this was that case. The bill before their Lordships could not but be hurtful to the feelings, and prejudicial to the interests, of the Irish Presbyterians. They should, he thought, contrive means for adjudicating upon writs of error, during the present Session of Parliament, and postpone any legislative enactment until the next.

Lord *Brougham* said, that although it was impossible to deny the greater part of the propositions stated by the noble and learned Lord, still the noble and learned Lord did not seem to reflect on the difficult position in which they were placed, and how much it was a choice of evils and difficulties which was before them. The question was not whether they should pass a declaratory or an enacting act. There existed circumstances which rendered the former course almost impossible at present, however practicable it might have been at a former stage of the proceedings. It had been decided by a majority of eight to two of the Irish judges, that the marriages were illegal, and it would be adopting a very novel course to state, as they would have to state, in the preamble, supposing that they passed a declaratory act, that doubts had arisen as to whether the marriages in question were legal or not, when, as he had stated, it had been declared, by a majority of eight to two of the Irish judges, that there was no doubt about the matter, and that the marriages were clearly illegal. The petitions which he had frequently presented during the Session, upon this subject, were strongly in favour of a declaratory act; but he believed, that under the existing circumstances, when the question was, whether they should have an enacting measure, or no measure at all, the people would prefer the former alternative.

The *Lord Chancellor* explained that he had introduced the measure before the House in consequence of the impossibility of finally deciding the question judicially this Session. He had received a letter from the Rev. Dr. Montgomery, the moderator of one of the Irish Synods, stating the desirableness of an enactment of a retrospective character, wide enough to meet all the difficulties of the case; and, instead of insisting upon a declaratory act, appending the draft of an enacting act, which it was stated would be satisfactory. Their Lordships, he thought, could not with propriety pass an act declaring that to be law which not only the Irish judges, but the Ecclesiastical Courts, had declared not to be law. He would, therefore, advise their Lordships to pass the bill before them as the least objectionable course which they could adopt, and as the best mode of meeting the difficulties of the case.

The Marquess of *Clanricarde* believed that the great majority of the Irish Presbyterians would be adverse to the bill before their Lordships. He was sure that the most influential and intelligent among them would prefer postponing legislation for this Session, rather than adopting the bill before the House. But for his own part, he was so much aware of the difficulties which had sprung up from the present unsatisfactory state of the law, that he would assuredly wish to see some measure passed upon the subject without delay. He could have wished that it had been found possible to have introduced a declaratory act, for this purpose; for it was the opinion of the Irish people, notwithstanding the judicial decision, that the marriages were legal. There were marriages of the same description taking place in other parts of the world, and if they allowed the idea to go abroad, sanctioned by their Lordships' decision, that such marriages were illegal or invalid, much mischief could not but ensue. He trusted that, supposing the real state of the law to be what the Irish Presbyterian public esteemed it, a declaratory act would be at some future period introduced without prejudice to the bill before their Lordships.

The Earl of *Wicklow* did not think that the Irish Presbyterians would be dissatisfied with the bill before the House. At a former period of the proceedings they might not have approved of it, but under the present circumstances it became a matter of consideration for them, whether it would not be better that the bill as it stood should pass, rather than that the law should remain in its present uncertain condition; and he would, upon this view of the case, give the measure before their Lordships his most cordial concurrence.

Lord *Campbell* was afraid that no Presbyterian in Ireland knew what was now about to be done, and the enactment of this bill would come upon them like a clap of thunder.

Report adopted. Bill to be committed. Their Lordships adjourned.

HOUSE OF COMMONS,

Monday, August 8, 1842.

Minutes.] New Writ. J. Walter, Esq., *vice* Sir G. Larpent.

Bills. *Public.*—1°. 2°. Slave Trade (Portuguese Vessels, No. 2).

Committed.—Bankruptcy Law Amendment; Limitation of Actions (Ireland); Insolvent Debtors.

Reported.—Boroughs Incorporarion; Coventry Boundary; County Courts Salaries and Expenses.

3°. and passed:—Newfoundland; Boroughs Incorporation.

Petitions Presented. By Captain A'Court, from T. B. Stephens, for Compensation under the County Courts Bill.—By Mr. C. O'Brien, from the Chamber of Commerce of Limerick, for revision of the Report of the Expenditure for the Shannon Navigation.—From Mallow, against the Tobacco Regulations Bill.—From Mr. M. Gibson, from Swansea, Havart, Chichester, and Halifax, for Allowance of Duty on Stock of Wine on Hand.—From Chester, that Brewers' Casks may not be Distrainable for the Rent of their Customers.—From Ribbon Weavers of Congleton, complaining of Distress.—From Bolton, against the Boroughs Incorporation Bill.

Newfoundland.] On the motion that the Newfoundland Bill be read a third time,

Mr. *Philip Howard* rose, pursuant to the notice he had given, to move that the bill under consideration, annulling the existing constitution of Newfoundland, be read a third time that day three months. In so doing, he was not unmindful of the fact, that he gave to the supporters of the bill the vantage ground, as it was much easier at that period of the Session for the Government to gather its strength; but, although the provisions of that bill were unknown to the country generally until after the discussion of the 30th ult., he did not wish to court success by anything like a surprise, or resort to arts of unworthy retaliation. They, the opponents of the bill, rested their case upon the royal charter granted to the island in 1832 by his late Majesty William 4th., who himself, attached to that noble profession which gave to them the command of the ocean, had personally served in those latitudes, and might fairly be presumed to have known the circumstances and wants of the population. That Monarch, whose characteristic virtues were kindness of feeling and singleness of intention, had confided to the keeping of that colony a constitution, broad and liberal in its provisions, and it was for the promoters of that act of disfranchisement to prove, that it had worked ill, he (Mr. Howard) contended, that the House of Assembly had applied itself with judgment and with diligence to their legislative functions. They had caused 1,000 miles of road to be laid down; they had erected lighthouses along the coast; by the building of prisons, steps had been taken to guard and vindicate the law—nor had they been neglectful of the cause of education. Under their jurisdiction the triumphs of cultivation had extended. To no more legitimate purpose, in a primitive state of society, could their labours have been directed—but he would take the liberty of reading an extract from a work, the "*Encyclopædia Britannica*," a work certainly not drawn up for party purposes, and which thus describes the condition of the island about 1836 and 1837.

> "The moral aspect of Newfoundland is rather encouraging; considerable unanimity has usually existed amongst the different religious persuasions, consisting of Wesleyans, Roman Catholics, and Congregationalists; the Dissenters being generally more numerous than the Episcopalians, over whom there is an archdeacon. The Catholic church is governed by a bishop. There are several newspapers published in the island, and of late years a taste for literature has been diffusing itself. There are between thirty and forty schools, as well for adults as for children. Ai St. John's there is a commercial society, out of which a chamber of commerce is chosen; there are several benevolent societies, and two benefit societies."

Such from impartial evidence was the state of the island, and no defect in the working of the constitution had been substantiated beyond the fact that the elections had been rather stormily contested, and that some scenes of violence had marked their progress; but that was not, he presumed, a novel accusation even in more refined communities But he would now advert to the two most objectionable clauses of the Bill in its amended form as it had passed the committee. In the existing charter no property qualification was exacted, as in Scotland, the best exercise of choice was left to the electors, then, too, the amount of wealth in the island taken into view the qualification required was high, for the islanders lived in a very primitive and patriarchal style and payments, as in the middle ages were mostly in kind; but light were his objections (and of those hon. Members with whom he had the honour to act) to the qualification clause as compared to the 6th clause, which was in principle most objectionable; it went by the fusion of the two Chambers to stifle the popular voice, and reduced nearly to a nullity the right of representation; and would that be a course of legislation likely to forward the interest of the colony and contentment of the governed? Would it hold out inducements to emigration? Would the English, the Anglo-Saxon leave the land of his fathers to live under a system of law less free than his own? No, the whole course of experience proved the reverse. Why then, court an invidious comparison between the freedom of the United States and the form of government of those under the sway of the British sceptre. Many hon. Members whom he saw opposite, had in 1832 and previously, opposed in this country the enlargement of the franchise proposed to be granted by the Reform Bill, but no hon. Member had since moved to repeal the provisions of that act, and why? because there was a wide difference and a broad distinction between not giving and taking away, and if such were their bearing at home, why in the name of honour and of justice should they adopt a different course towards a distant and unprotected colony—a colony which in the event of war would be, as it had ever been an important point of defence. Let them not poison the fountain of loyalty there by chilling diffidence and suspicion. To the hardy sons of Newfoundland belonged the honour, on the extreme outpost of civilization, of guarding the British flag. The hon. Member concluded by expressing a hope the House would ever regard as its own the interest of the British colonies.

The House divided:—Ayes 55; Noes 12: Majority 43.

List of the AYES.

A'Court, Capt.
Arkwright, G.
Baldwin, B.
Baring, hon. W. B.
Bentinck, Lord G.
Blackburne, J. I.
Boldero, H. G.
Botfield, B.
Broadley, H.
Bruce, Lord E.
Corry, rt. hon. H.
Cresswell, B.
Damer, hon. Col.
Douglas, Sir C. E.
Estcourt, T. G. B.
Flower, Sir J.
Follett, Sir W. W.
Ffolliott, J.
Forbes, W.
Fuller, A. E.
Gladstone, rt.hn.W.E.
Gordon, hon. Capt.
Gore, M.
Goulburn, rt. hn. H.
Greene, T.
Hamilton, W. J.
Hardy, J.
Henley, J. W.
Hodgson, R.
Hogg, J. W.
Hope, hon. C.
Inglis, Sir R. H.
Jermyn, Earl
Jones, Capt.
Knatchbull,rt.hn.SirE.
Lascelles, hn. W. S.
Lygon, hon. Gen.
Marsham, Visct.
Masterman, J.
Meynell, Capt.
Nicholl, rt. hon. J.
Packe, C. W.
Peel, J.
Pollock, Sir F.
Pringle, A.
Round, J.
Stanley, Lord
Sutton, hon. H. M.
Trench, Sir F. W.
Trotter, J.
Verner, Col.
Wood, Col. T.
Wortley, hon. J. S.
Young, J.

TELLERS.

Fremantle, Sir T.
Gaskell, J. M.

List of the NOES.

Brotherton, J.
Duncan, G.
Duncombe, T.
Fitzroy, Lord C.
Gibson, T. M.
Hawes, B.
O'Brien, J.
Pechell, Capt.
Philips, M.
Plumridge, Capt.
Scott, R.
Wilde, Sir T.

TELLERS.

Howard, P.
Wall, B.

Bill read a third time and passed.

BANKRUPTCY LAW AMENDMENT.] House in committee on the Bankruptcy Law Amendment Bill.

On the 49th clause, appointment of official assignees,

Mr. *M. Phillips* said, that as the bill did not state the precise mode in which remuneration was to be afforded to these officers, he should be glad if any hon. Member would point out what was to be the extent of remuneration, and under what authority it was to be levied? The public would thus be better enabled to judge of the expense that would be incurred by the working of this system. The bill was introduced at so late a period of the Session, that he had had no opportunity of consulting any persons relative to it, except his own immediate constituency. He was inclined to believe that the expense would be increased under this measure, and that in many instances the bankrupt's estate would be divided under disadvantageous circumstances. The fiat should, in all cases, be worked with as much expedition and as cheaply as possible. He made these remarks before, so far as he knew, any appointment of official assignees had been made, and therefore his opposition to that part of the bill could not be attributed to any personal feeling.

The *Attorney-General* was quite sure that his hon. Friend had no other object in view than to make the bill as perfect as it could be made by the labours of the committee. After the ample consideration which this subject had undergone in both Houses of Parliament, he did not think that any hon. Member had a right to complain that he had been taken by surprise. Lord Brougham's Bill, which entirely altered the law upon this subject, had been introduced at a later period of the Session, and yet that bill had been passed. That the new system had produced great advantages was proved by official documents. In 180 estates, under the new system of proceeding by fiat, the proportion of debts collected was 72½ per cent. In 180 estates managed under the old commissions, taking them as they came, without selection, the amount of debts collected was only 38 per cent. The benefit which had been derived in collecting small debts of 1*l.*, and under 2*l.*—of 2*l.*, and under 5*l.*—of 5*l.*, and under 10*l.*, was very great. The report on the subject set forth, that the advantage of the present system was made perfectly clear from the fact, that since it was carried into effect, all the debts not exceeding 1*l.* amounted to 2,885*l.*; of which 2,125*l.* was actually collected; above 1*l.*, and under 2*l*,, the total was 1,399*l.*; the sum collected, 1,079*l.*; above 2*l.*, and under 5*l.*, the total was 1,925*l.*; the sum collected, 1,618*l.*; above 5*l.*, and under 10*l.*, the total was 1,139*l.*; the sum collected, 845*l.* Thus, out of a gross sum, composed of small debts, amounting to 7,348*l.*, 5,677*l.* had been collected; being not less than 77 per cent. With respect to the remuneration of official assignees, the hon. and learned Gentleman read the clause in the existing act, showing that the reward depended upon what the court from time to time might see fit to order. It was generally done by a per centage, as for example, 5 per cent. for debts collected under 100*l.*; between 100*l.* and 500*l.*, 2½ per cent., and so on, diminishing according to the larger amount collected. There was no inflexible rule, and it was competent to the court to introduce such new orders as they thought proper. If they proceeded on a certain scale it was impossible to avoid complaints, that occasionally large sums would be paid to the official assignees for comparatively little labour, whilst in other cases they might receive a very trifling sum, although they had had great labour; but the commissioners so endeavoured to adjust their scale as to avoid that inconvenience, and he believed they had succeeded in that by adopting a scale which did, on an average, give a fair remuneration. He trusted that under these circumstances the hon. Member opposite would see that extending the system now adopted within forty miles round London to all parts of the kingdom would be a great boon.

Sir *T. Wilde* had no hesitation in giving this bill, upon the whole, his decided support. The most valuable part of the alteration that had taken place in the old law, was the appointment of official assignees. As to remuneration, the course adopted hitherto had had the effect, not to give too much, but too limited, a remuneration. If it was required to get respectable persons who could give security to be assignees, remuneration proportioned to the services rendered by those persons must be allowed, otherwise respectable persons could not be obtained. Those persons frequently held large sums of money in their hands, which it was of importance to prevent their detaining in their possession, and to compel them to pay into the bank. To effect that object, a provision would be introduced into the bill to the effect that if the commissioner or judge should find, that the assignee retained in his possession any sum exceeding 200*l.*, beyond forty-eight hours, he should either have to pay, as a penalty, excessive interest on the sum, as was the case under the old Bankruptcy Act, or be subjected to the forfeiture of his office. Thus perfect security could be obtained against the faults of the official assignee. He would state, that during an experience of twenty-five years before the alteration in the law took place, not a bankruptcy estate became the subject of investigation that the bankrupt was not ruined. Since the alteration a great improvement had taken place.

Mr. *R. Scott* wished this part of the bill to be referred to a select committee. There appeared to him to be no reason why official assignees should be paid more than accountants of the estate.

Mr. *B. Wood* proposed an amendment to the effect that moneys should be received, not by the official assignee alone, but jointly with one of the assignees chosen by the creditors.

The *Solicitor-General* said, that the reason of this system of official assignees working so well in London was this:—that they had also the management of the estate, and were enabled to collect debts, which could not have been got in under the old system. They could not get trade assignees to act in the same way, and what was now proposed by the hon. Member for Southwark was to clog the official assignee by obliging him always to have one of the trade assignees with him when he received money in respect of the bankrupt's estate.

Mr. *Hardy* thought there could at least be no inconvenience in limiting the receipts of the official assignee to the amount for which he might have given security. Where sums exceeding that amount were to be paid in, then he should be associated with the trading assignee.

Mr. *Hawes* observed, that no human system could supply complete checks. It would be vain to make any attempt to prevent all possible evils, and therefore he should say, that they ought to place some reliance upon the power of the Lord Chancellor and something also upon the influence of publicity; but as to a complete system of checks and prevention, he altogether despaired of seeing them introduced into any legislative measure. In case of any misconduct, the trading assignee might call the official assignee to account, or at least might make such an application to the Court as would answer all the purposes of justice. It was well known that the commissioners readily listened to any well-founded complaint, and he was justified in saying that there did not exist men of higher honour than the commissioners, or better men of business than the official assignees.

Mr. *Beckett* contended, that the power ought not to be taken altogether out of the hands of the creditors' assignee. The plan of official assignees had not by any means worked so well as some hon. Members seemed to think. He desired, for example, to ask this question—Had not Mr. Abbott been a defaulter to the extent of 60,000*l.*? Mr. Clarke was a defaulter to the amount of 10,000*l.* It was understood to be Mr. Abbott's practice to withhold the funds of the estates with which he was connected till the dividend was on the point of being paid, and owing to such abuses, as well as upon other grounds, he did hold that the present system of official assignees required a very material alteration. He would suppose that the owners of a large manufacturing concern suddenly became insolvent—that a commission of bankruptcy issued—that the creditors' assignee was desirous of working up the stock for the benefit of the estate—could he do so where the official assignee had taken possession of the whole property in the manner of a sheriff's officer? He had looked at the matter with most anxious attention; he had listened to all that had been said on both sides, and he must be permitted to say, that the promoters of the bill had not made out a sufficient case. Looking impartially at the measure as it stood, he must declare himself wholly against passing such a bill at such a period of the Session, and for this amongst other reasons—that the House did not possess sufficient knowledge on the subject. If he thought himself entitled to ask for such a thing as a matter of favour, he would request the right hon. Baronet near him to postpone the measure till next Session; and he would beg the right hon. Baronet to recollect, that no one demanded such a measure; neither the commissioners nor the people made any requisition on the subject. If the committee decided to go on he should not persist in moving to restrict the powers proposed to be given. If, however, he should urge that proposition and be defeated, then he would ask leave to propose that an annual return be made to Parliament, brought down to the 31st day of December in each year, and be presented within two months of the meeting of Parliament, such return to set forth the total amount of monies received by assignees to bankrupts' estates, distinguishing the amount received for each estate, and the balance in hand on account of each, as well as the total balance; those several accounts to be signed by the Accountant-general of the court.

Sir *J. Graham* said, he was surprised at the appeal which had been made to him. It must, of course, be in the recollection of hon. Members, that before the House resolved itself into a committee, the question of postponement had been very seriously discussed and decided in the negative. He did not undervalue the objections which had been made to the measure, but he did not think that a more effectual remedy for the acknowledged evils of the law could at this moment be adopted; nevertheless, he did not disguise from himself that the bill when passed into a law would meet with some opposition, and that opposition would be still more difficult to deal with if directed against a postponed measure, rather than against one not passed into a law. There was a very large amount of local influence which could be called into activity against it—there were 700 commissioners, all members of the legal profession, who, with their friends, would array all their power against the measure; and, considering it to be the best that under present circumstances could be carried, he must adhere to the determination which he had already expressed of not consenting to its postponement. In confirmation of the views of those who were engaged in promoting the bill, he should, with the permission of the House, read to them an opinion expressed by Lord Eldon more than forty years ago. It was reported in these words:—

> "Upon this subject his Lordship observed, with warmth, that the abuse of the bankrupt law was a disgrace to the country, and that it would be better at once to repeal all the statutes than to suffer them to be applied to such purposes. There is no mercy to the estate—nothing is less thought of than the object of the commission. As they are frequently conducted in the country they are little more than stock in trade for the commissioners, the assignees, and the solicitor. Instead of solicitors attending to their duty, as ministers of the court, for they are so, commissions of bankruptcy are treated as matters of traffic. A taking out the commission, B. and C. to be his commissioners. They are considered as stock in trade, and calculations are made how many commissions can be bought into the partnership. Unless the court holds a strong hand over bankruptcy, particularly as administered in the country, it is itself accessory to as great a nuisance as any known in the land, and known to pass under the forms of its law."

Upon this he should observe, that those who opposed the bill were bound to show, that since the year 1801, when Lord Eldon delivered the opinion which he had just read, a material change had taken place in the practice of which that noble and learned person so justly complained. There certainly had been a change in the metropolitan district, and the effect of the present measure would be to extend the metropolitan system to the provincial districts; and from the information that he had received from various quarters of high authority, he thought himself justified in saying that the great commercial community of London were decidedly favourable to the proposed system. He recently had the honour of meeting a deputation at which three metropolitan Members were present, on which occasion he took the liberty of asking them whether on the whole they thought that the experiment of the official assignees had been successful or otherwise? They stated, that at first there had been a good deal of suspicion entertained with respect to the official assignees, but the system gradually advanced in public estimation. The public knew that the assignees were under the strong hand of the Lord Chancellor, and it was well known that the least irregularity was visited with immediate correction. For these reasons, he must be allowed to say, he thought that the promoters of the bill would act a most unworthy part if they did not proceed with and bring to maturity a measure which had the support of the great commercial communities, and which had received the sanction of the Lord Chancellor, and of the Master of the Rolls.

Mr. *B. Wood* stated, that one of the objects which he had in view was to render the creditors assignee a check upon the official assignee. During the existence of the law there had been three defaulters. The bill under the consideration of the House did not contain a single clause to protect the estate of the bankrupt from frauds of a similar character. If the estate were protected, he should be satisfied. He proposed that the trade assignee should also sign the receipt, and thus a greater security would be afforded against a mal-appropriation of the property.

Mr. *Hardy* could not see what objection could be urged against the adoption of the proposition. Could it not be provided, that in all cases where a sum of money was held beyond the amount of the security, one of the trade assignees should be associated with the other, and thus afford a security against the commission of fraud? He did not wish to make any alteration in the portion of the bill relating to official assignees, but he thought that when the official assignees had possession of a larger sum than that for which they had given security, a control ought to be exercised over them in order to prevent the occurrence of cases similar to that of Abbott.

Mr. *Hawes* referred to a case which had come before the Lord Chancellor very recently. Out of five commissioners named, one had been selected to move the fiat—his name had since very properly been left out—three were creditors to the estate, and one was a debtor.

Mr. *Jervis* said, that the hon. Member for Lambeth had not been more happy in his selection of cases than had been the right hon. Baronet himself. The hon. Member for Lambeth cited his case, and in the face of that gave his support to the bill. The right hon. Baronet had referred to the opinion of Lord Eldon on the state of the bankrupt laws. That opinion was, he believed, delivered in 1801. So little did the right hon. Baronet know of the question, that he was obliged to refer to the opinion of Lord Eldon to strengthen his argument on the subject. He thought that it was not right to press a matter of so much importance at so late a period of the Session, particularly as the hon. Member for Leeds and other hon. Members connected with mercantile matters, had expressed an opinion in favour of the postponement of the bill. It appeared as if the bill had been brought forward at that advanced period, and hurried through the House with the view of preventing the 700 commissioners from having an opportunity of stating their views on the measure before the House. He considered the objections which had been urged against the clause to be well founded. What they said was this—Do not invest all the power over the property of the bankrupt in the hands of the official assignee.

Sir *T. Wilde* said, that though he should be happy to see the bill postponed until next Session, he did not concur in the objections urged against this particular clause by the hon. Member who had preceded him. He would address himself, therefore, to the particular clause which they were considering when the hon. Member for Leeds led the discussion into the general question, whether the bill should pass or not. The objections urged against this clause were founded on great and essential mistakes. Most of those objections which his hon. Friend had pointed out might easily be remedied. The hon. Member for Leeds said, that the official assignee took possession of the estate immediately, and that there was not sufficient control or security for the creditor. In order to form a judgment on this matter, it would be necessary to compare the present state of things with that which existed previously. The mode of working a commission in London and the country before the new arrangement was this:—The warrant was directed to a person called a messenger. In the country, generally, the messenger was the sheriff's bailiff. In London there were certain persons appointed by the Lord Chancellor, generally persons of no property; the property was seized by a man employed for 5*s*. a-day, and so the estate remained until the second public meeting, when the assignee was appointed. There was an exception, where a trade had to be carried on, or where there was an extent on the part of the Crown. On these occasions an application was made for the appointment of an official assignee. Therefore you had to compare the responsibility of the bailiff, who had given no security to the creditors, with the official assignee appointed by the Lord Chancellor, and who had to give security. No comparison could be instituted between the two persons. The duty of the official assignee began with the issuing of the commission. So much for the first stage. What was the second? The hon. Member for Leeds said, "Suppose you wish to redeem property, see what advantage you deprive the estate of by not allowing the trade assignee to interfere." The rule now prevailing in London with regard to official assignees was this:—There were orders made by the commissioner that the official assignee should not retain more than 100*l*. in his hands, balance of a particular estate, and the aggregate amount of his balances on all the estates to which he was assignee could not be more than 1,000*l*.; the rest ought to be paid in in the name of the Accountant-general in Bankruptcy. The hon. Member for Leeds said, suppose you wanted to redeem property? He thought that there was not the slightest difficulty in doing so. Let them suppose the condition of property before the appointment of assignees—there was no one to represent the estate at all who could advance the money. The only mode would be by a general meeting of creditors, who must advance the money out of their own pockets, that was, if it occurred before the appointment of assignees. Under the bill, as it stood, there would be quite as much facility in obtaining funds to carry on trade, to redeem pledges, or to do anything for the benefit of the estate, as there was now under the present system. Supposing it were necessary that 1,000*l.* of the funds which had been realised were wanted to pay dock dues, so that certain goods might be entered, the assignees would call a meeting by advertisement in the *Gazette* —they would, at that meeting, receive authority from the body of the creditors—that authority would be laid before the commissioner, and the matter would be at once done. So that, in fact, all the bill would do would be to prevent the misapplication of the funds, while every facility was given to apply them for the benefit of the estate. Then, with respect to what had fallen from the hon. Member for Southwark, it would be admitted, that under the old system, the assignees being themselves deeply engaged in trade, did not spend their time in attempting to get in small or difficult accounts; they were generally left to themselves, and, in many cases, the money which they did succeed in collecting they paid in to their own account at their bankers, and traded on the credit it gave them, and sometimes years passed over without any dividend being declared. The bill provided for the appointment of official assignees, who might in the collection of money proceed without the concurrence of the trade assignees, and by their means the debts would be better looked after and sooner collected to be divided amongst the creditors of the estate. The bill, however, expressly gave the trade assignees alone the power of saying how, when, and in what manner the effects belonging to an estate should be converted; but money once collected was locked up in the hands of the Accountant-general in Bankruptcy, where it lay till it was required. All that the bill provided was greater security against the mis-application of the funds, and surely that was not an object likely to be objectionable to those engaged in trade and liable to suffer from bankruptcies. The object of the clause under discussion was to provide the means for as large and as early a dividend as possible, and, in his opinion, it would be effectual to that end. It might be asked why the present provisions were not extended to the country when the new system was first introduced? He remembered very well what was the reason given by those who introduced it; they were anxious to try the system in London first. The official assignees were obliged to keep their books in a clear and accurate manner; those books were at all times open to the inspection of the trade assignees; therefore, if the latter did their duty, the system provided for a diminution in the expense of working the commission, the certainty of the debts being collected, and a greatly increased security for all the funds realized; and he said that, notwithstanding the defalcation of the three individuals who had been alluded to, those defalcations arose from matters which might easily be controlled. Why should not the system work as well in the country as in London? He had always taken a deep interest in the bill, and when it was before the House on the first occasion, he was aware that much suspicion existed in the minds of eminent men, both professional and mercantile, with regard to the appointment of official assignees. He had of late made inquiries on the subject, and he knew that that prejudice had been entirely dissipated. He highly approved of the system, he thought it would prove of great utility in the country as well as in London, and although he could have wished that the bill had been more maturely considered, still, as the bill was to pass in the present Session, he would give the clause his earnest support.

Mr. *Baldwin* thought the bill would prove the means of much saving to estates, and a benefit to the country. The official assignee system had proved most useful in London, and he should certainly vote for its extension.

Mr. *M. Philips* said, there was no doubt the trade assignees would still be possessed of considerable powers even if the bill passed, but why should they be deprived of the power to perform the last act? Why take from them the control of the funds? Why should they not in all things act conjointly with the official assignees? He, as the representative of a large manufacturing and mercantile community, felt himself compelled to give his support to the amendment of the hon. Member for Southwark. He thought it most desirable that a trade assignee should be appointed, who might exercise some check upon the acts of the official assignee.

Mr. *B. Wood* wished to state, that his object was that trade assignees should be appointed, who might act as a check upon the official assignees with respect to the sums of money received. He would be quite content if, in each case, one trade assignee was appointed. After what had taken place, he could not, with confidence, intrust the receipt of money to the official assignees alone, and he thought they ought to be accountable to responsible parties. It had been stated that, within a short period, two instances of improper conduct had occurred on the part of official assignees: but he believed the fact was, that three such cases had occurred. He might state that, in one instance, an official assignee was appointed, who, at the time of his appointment was known to be insolvent, and who had judgment debts hanging over him; and he believed that individual had not been in office six months before he defrauded several estates of the money placed in his hands. He thought, after such occurrences, they ought not to legislate without requiring something like reasonable security for the future. He considered that no official assignee ought to be allowed to receive money, unless the name of a trade assignee was appended to the receipt.

The committee divided on the question that the word "alone" leaving the power in the hands of the official assignee, stand part of the clause.—Ayes 52; Noes 16: Majority 36.

List of the AYES.

Arkwright, G.
Baird, W.
Baldwin, B.
Baring, hon. W. B.
Bentinck, Lord G.
Blackburne, J. I.
Boldero, H. G.
Bruce, Lord E.
Clerk, Sir G.
Corry, rt. hon. H.
Darby, G.
Dick, Q.
Douglas, Sir C. E.
East, J. B.
Eliot, Lord
Estcourt, T. G. B.
Fitzroy, hon. H.
Flower, Sir J.
Follett, Sir W. W.
Ffolliott, J.
Forbes, W.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Gore, M.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Hamilton, W. J.
Hardinge, rt. hn. Sir H.
Hawes, B.
Herbert, hon. S.
Hodgson, R.
Hope, hon. C.
Jermyn, Earl
Jones, Capt.
Knatchbull, rt. hn. Sir E
Lincoln, Earl of
Lowther, J. H.
Lyall, G.
Marsham, Visct.
Meynell, Capt.
Nicholl, rt. hon. J.
Peel, J.
Polhill, F.
Pollock, Sir F.
Pulsford, R.
Somerset, Lord G.
Stewart, J.
Stuart, H.
Taylor, T. E.
Wood, Col. T.
Young, J.

TELLERS.
Fremantle, Sir T.
Pringle, A.

List of the NOES.

Aglionby, H. A.
Aldam, W.
Brotherton, J.
Cobden, R.
Hardy, J.
Inglis, Sir R. H.
Jervis, J.
Langton, W. G.
Masterman, J.
Morris, D.
Pechell, Capt.
Philips, M.
Scott, R.
Sheppard, T.
Trotter, J.
Williams, W.

TELLERS.
Beckett, W.
Wood, B.

Clause agreed to.

On clause 58,

Mr. *Jervis* said, he wished to know upon what statistics it was proposed that the number of the commissioners should be confined to ten. He did not see when Manchester alone would give occupation to three courts, how ten could perform the duties.

Sir *J. Graham* said, that perhaps the number was less than might be required. The number of commissioners in London was six, and they performed the duties for forty miles round London; but the Lord Chancellor having communicated with those commissioners, they took upon themselves to discharge the duties for 100 miles around the metropolis. This would include Brighton and many other large towns. If six commissioners were sufficient for the metropolis and 100 miles around, and the commissioners, after ten years' experience, were content to undertake the additional duty which would be thrown upon them, he thought that ten might, perhaps, be capable of doing the remaining business. He had, however, no objection that they should be increased to twelve.

Mr. *Jervis* said, that if persons living at 100 miles from London were obliged to come up to the metropolis to prove small debts, it was another objection against the bill, because it was tantamount to a denial of justice.

Sir *J. Graham* then proposed to amend

the clause, by substituting the number twelve for ten.

Mr. *Jervis* said, it was evident that the bill had been brought into the House in such a state that the right hon. Baronet did not himself know how many persons would be necessary to work the measure he proposed. There was nothing on the face of the bill to show whether it was to be worked by a central board or by circuits. He thought it was too bad to bring forward such a bill as the present at so late a period of the Session. The responsibility of the alterations proposed in the measure by the right hon. Gentleman must not rest upon him; he would not be responsible for the insertion of the words ten, twelve, twenty, or two hundred. He believed the bill was nothing but a job, and it had been brought forward at the present late period of the Session, in order that it should not incur formidable opposition.

Sir *J. Graham* said, that the hon. and learned Member certainly over-estimated the value which he attached to either the suggestion or the censure of the hon. and learned Gentleman. As to the bill being a job, he was willing to leave it to the country to decide whether that was the character of a measure with such limited patronage. He believed the country would not accuse the present Government with being guilty of jobbing by countenancing the present bill. The Government had determined to support the Insolvency Bill; that bill, as well as the present, imposed fresh duties, and he was afraid, therefore, that ten commissioners might not be sufficient, and therefore it was, that he proposed to insert not less than twelve commissioners.

Mr. *M. Philips* was sure the objects of the measure could not be worked by the present number of commissioners; but he thought they might try if ten were not sufficient before twelve were appointed.

Sir *J. Graham* proposed to insert the words "not exceeding twelve," but he could assure the hon. Member that an attempt would be made with ten, to see how the measure would work.

Mr. *Jervis* observed, that as to the Insolvency Bill, he did not believe it would pass this Session. Disclaiming again being any party to the bill, he would not divide after the explanation of the right hon. Baronet.

Clause, as amended, to stand part of the bill.

On clause 64, relating to the jurisdiction of courts acting under fiats of bankruptcy,

Sir *Thomas Wilde* objected to this clause, upon the ground that it gave power to the local commissioners to make orders and regulations which heretofore could only be issued by the Lord Chancellor, or the Court of Review.

The committee divided on the question that the clause stand part of the bill:—Ayes 59; Noes 21: Majority 38.

List of the AYES.

A'Court, Capt.
Arbuthnott, hon. H.
Baring, hon. W. B.
Bateson, R.
Blackstone, W. S.
Boldero, H. G.
Botfield, B.
Broadley, H.
Burdett, Sir F.
Burrell, Sir C. M.
Corry, rt. hon. H.
D'Israeli, B.
Douglas, Sir C. E.
Eliot, Lord
Escott, B.
Estcourt, T. G. B.
Fitzroy, hon. H.
Flower, Sir J.
Follett, Sir W. W.
Ffolliott, J.
Forester, hon. G.C.W.
Fuller, A. E.
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Hamilton, W. J.
Harcourt, G. G.
Hardinge, rt. hn. Sir H.
Henley, J. W.
Hodgson, R.
Hogg, J. W.
Hope, hon. C.
Howard, P. H.
Inglis, Sir R. H.
Irving, J.
Jermyn, Earl
Jones, Capt.
Kemble, H.
Knatchbull, rt. hn. Sir E
Knightley, Sir C.
Lefroy, A.
Lyall, G.
Lygon, hon. Gen.
Marsham, Visct.
Meynell, Capt.
Nicholl, rt. hon. J.
Pollock, Sir F.
Round, J.
Scott, R.
Sheppard, T.
Somerset, Lord G.
Stuart, H.
Sutton, hon. H. M.
Trench, Sir F. W.
Verner, Col.
Wall, C. B.
Wood, Col. T.
Young, J.

TELLERS.

Fremantle, Sir T.
Pringle, A.

List of the NOES.

Aglionby, H. A.
Bowes, J.
Bowring, Dr.
Brotherton, J.
Bryan, G.
Cobden, R.
Duke, Sir J.
Duncan, G.
Duncombe, T.
Elphinstone, H.
Ewart, W.
Ferguson, Col.
Hawes, B.
Palmerston, Visct.
Pechell, Capt.
Philips, M.
Plumridge, Capt.
Tuffnell, H.
Williams, W.
Wood, B.
Wyse, T.

TELLERS.

Wylde, Sir T.
Jervis, T.

Clause ordered to stand part of the bill.

Clauses 65 to 74 inclusive were agreed to.

On clause 75, fixing the salaries of the judges, commissioners, and other officers,

Mr. *M. Philips* entertained a strong and decided objection to this clause. He conceived that the proposed salary of 2,000*l.* a-year to each of the London commissioners, and of 1,800*l.* to each of the country commissioners, was infinitely too high. Such an amount of salary was not necessary to secure the degree of talent requisite for the proper discharge of the duties which these commissioners would be called upon to perform. He hoped, therefore, that the right hon. Baronet (Sir R. Peel) would consent to a reduction of these salaries.

The *Attorney-General* defended the clause. The object of it was to secure the best services which could be got, and the payment of high salaries was to be justified on the ground that persons qualified for the situation would have to sacrifice their professional income by accepting the situation.

Mr. *M. Philips* thought that 1,500*l.* should be inserted instead of 1,800*l.* When they came to the proper part of the clause, he would propose an amendment to that effect.

Mr. *B. Wood* thought 2,000*l.* a-year too high a salary for the town commissioners. He begged to propose as an amendment, that 1,800*l.* be substituted for 2,000*l.*

Sir *T. Wilde* did not think the salaries at all inadequate for the services which the commissioners would have to perform. The increase of business which the bill would cast upon the town commissioners fully entitled them to the additional amount of 500*l.* a-year.

Mr. Wood's amendment withdrawn.

Mr. *M. Philips* proposed as an amendment, in line 7, that 1,500*l.* be inserted instead of 1,800*l.*, as the salary of the country commissioners.

Sir *T. Wilde* thought it would be better if the salaries were allowed to remain as proposed in the bill.

The committee divided on the question that the words one thousand eight hundred pounds stand part of the bill:— Ayes 78; Noes 13: Majority 65.

List of the AYES.

Aglionby, H. A.
Arbuthnott, hon. H.
Baring, hon. W. B.
Bentinck, Lord G.
Blackburne, J. I.
Blackstone, W. S.
Boldero, H. G.
Botfield, B.
Broadley, H.
Bryan, G.
Burrell, Sir C. M.
Clerk, Sir G.
Corry, rt. hon. H.
Damer, hon. Col.
D'Israeli, B.
Douglas, Sir C. E.
Eliot, Lord
Elphinstone, H.
Escott, B.
Farnham, E. B.
Ferguson, Col.
Fitzroy, Capt.
Fitzroy, hon. H.
Flower, Sir J.
Follett, Sir W. W.
Ffolliot, J.
Forbes, W.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Gore, M.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grant, Sir A. C.
Hamilton, W. J.
Hardinge, rt. hn. Sir H.
Hardy, J.
Hawes, B.
Henley, J. W.
Hervey, Lord A.
Hodgson, R.
Hogg, J. W.
Hope, hon. C.
Howard, P. H.
Inglis, Sir R. H.
Irving, J.
Jermyn, Earl
Jervis, J.
Kemble, H.
Knatchbull, rt. hn. Sir E.
Lefroy, A.
Lincoln, Earl of
Lyall, G.
Lygon, hon. Gen.
Masterman, J.
Meynell, Capt.
Newry, Visct.
Nicholl, rt. hon. J.
Paget, Col.
Peel, rt. hon. Sir R.
Peel, J.
Polhill, F.
Pollock, Sir F.
Ponsonby, hn. C. F. A. C
Pulsford, R.
Round, J.
Sheppard, T.
Somerset, Lord G.
Stanley, Lord
Stewart, J.
Stuart, H.
Sutton, hon. H. M.
Verner, Col.
Wilde, Sir T.
Wood, Col. T.
Wortley, hon. J. S.
Young, J.

TELLERS.

Fremantle, Sir T.
Pringle, A.

List of the NOES.

Duke, Sir J.
Duncombe, T.
Ewart, W.
Hume, J.
Humphery, Ald.
Martin, J.
Morris, D.
O'Brien, J.
Pechell, Capt.
Plumridge, Capt.
Scott, R.
Williams, W.
Wood, B.

TELLERS.

Philips, M.
Brotherton, J.

Remaining clauses disposed of.

House resumed. Bill to be reported.

PROPERTY TAX ON FOREIGN FUNDS.] Captain *Fitzroy* wished to ask a question of the right hon. Gentleman the Chancellor of the Exchequer, with respect to a subject which had caused much uneasiness in the city—he referred to the Income-tax. It was generally understood by those who had to pay in this country the dividends on foreign loans, that by the Assessed Tax Act, No. 2, they must deduct even from the dividends payable to persons residing in foreign countries, the income-tax of 3 per cent. This was thought to be a great injustice and hardship, not only by foreigners, but also by the heads of houses in London, and he could not conceive that any such deduction could be intended. He would ask whether it were to be made?

The *Chancellor of the Exchequer* said, that this deduction was altogether an error. The Assessed Tax Act, No. 2, gave no power to levy a duty upon property which was not made subject by the previous act. He had had many communications upon the subject to which the hon. Gentleman had adverted, and the view he had taken of the matter was, that there was no power of deducting the property-tax from the dividends of foreign funds payable in this country, if paid to foreigners residing out of this country, and that the act applied only to the case of dividends of foreign funds payable to people residing in this country.

Boroughs Incorporation.] Sir *J. Graham* remarked that it was importa that the Boroughs Incorporation Bill should pass as early as possible. He therefore moved that the report be now read.

The report brought up and read, and, on the motion that it be received,

Sir *J. Graham* had to announce that in the interval since Saturday last a clause had been framed by his hon. and learned Friend the Attorney-general, which he hoped would remove the objections entertained by certain parties against the measure, and he had further hoped to have been able to congratulate the House as to the unanimity prevailing with respect to it. He was aware that Gentlemen from Bolton were in London to oppose the bill, but had hoped their petition would not have been presented. These gentlemen were certainly rather late in the steps they had taken. It was exceedingly desirable that the question should be set at rest, and uncertainty put an end to. He should, therefore, feel it his duty to move that the bill be proceeded with, and the introduction of the clause framed by his hon. and learned Friend.

Mr. *Aglionby* thanked and congratulated the right hon. Baronet. The bill was a great improvement, and would be productive of the best fruit.

Dr. *Bowring* also thanked the right hon. Baronet for keeping not only the letter, but the spirit of the arrangement entered into, and he expressed his surprise that, at this period of the bill, eight people from Bolton should throw any impediment in the way.

Report received, the Standing Orders were suspended, and the bill ordered to be read a third time.

On the question that the bill be read a third time,

Sir *Charles Douglas* said, he was extremely glad at the satisfactory issue which had been arrived at upon the question of compensation, which was the only part of the bill he had anything to do with. It was right he should say thus much, as he had learned that his conduct had been misunderstood at Birmingham, and it was reported that he had given up the bill on condition that the Government should bring in one to confirm the charter. It was in the recollection of the House that he had nothing to do with any such arrangement; on the contrary, he said, that the confirmation of the charter of Birmingham was nothing to him, but he had taken up the question of compensation to certain officers upon general principles, and he had nothing to say to the charter; since then he had had a communication made to him by influential persons in Birmingham, that they were not satisfied to have this charter, but he had nothing to add upon that subject, except that he had expressed their opinions in the proper quarter.

Bill read a third time and passed.

India—The Army.] Viscount *Palmerston* wished to ask a question of the right hon. Baronet (Sir Robert Peel), which he had postponed from Friday at his request. The question related to a matter which appeared to him to be of the deepest importance, as it involved not only the honour and credit of this country, but also the safety of a large portion of British dominions near the Indus. The last mail from India brought conflicting reports of the orders said to have been issued by the Governor-general of India, with respect to the British troops west of the Indus. One account stated that orders had been sent by the Governor-general for the immediate return of these troops. Another account stated that there had been some misunderstanding as to these orders, and that this had been corrected by the mode in which Sir Jasper Nicholls had interpreted those orders. The question he wished to ask was, whether orders to withdraw the British troops from the country west of the Indus had or had not been issued by the Governor-general, and he sincerely hoped that the right hon. Baronet would be able to state that there was not the slightest foundation for the report.

Sir *R. Peel* always wished to give as much information to the House, as well with respect to diplomatic acts, as to military operations, as was consistent with his public duty, but at the same time he had ever withheld information, the communication of which was likely to be prejudicial to the public interest. The House was sure that any information which he might give would be conveyed to India in six or seven weeks, and it was therefore necessary to use some reserve to prevent prejudice to the public interests. At this moment the neighbourhoods of Candahar and Jellalabad might be the scenes of military operations. The death of Shah Soojah had placed this country in a new position to what it was under their treaty of Lord Auckland, and our position with respect to the court of Lahore was at this moment the subject of consideration with the Indian Government. He would, therefore, only state the fact that, at the present moment, the British force occupied Candahar; at the present moment, he believed, too, that it also occupied Jellalabad; and he did not apprehend an immediate withdrawal from the occupation of either situation. This was all the information which he thought it consistent with his public duty to give, and he was sure the House would not press him for anything more, but wait and see the accounts which the next mail might bring over.

IPSWICH ELECTION WRIT.] Mr. *Lefroy* understood that the Chairman and other Members of the Ipswich committee did not intend to give any opposition to the issue of the writ for Ipswich, and he should best discharge his own duty, and consult the convenience of the House, by refraining from making any observations on the evidence given before the committee. Neither would he be tempted to alter his course by the notice of the bill given by the hon. Member for Finsbury; for he felt considerable confidence that the hon. Member would not press his bill; when he reflected on the effect it would have, not only in disfranchising these persons, but also in defeating the issue of the writ for Ipswich, he would see that he had not a case which would stand for one moment. He also felt that the hon. Member would feel considerable difficulty in persisting with his bill without the consent of the Members of the committee; and he was sure that nothing would induce them to do, in an indirect way, what they did not do directly. Expressing a hope that the hon. Gentlemen who were now candidates for the seats would obtain the object of their ambition with as unstained honour, and as unblemished integrity, as the Gentlemen who had lost them—he would conclude by reserving to himself the right, if the hon. Gentleman should move his amendment, of referring to the evidence, which he thought would justify the division in the committee. He moved that the Speaker do issue his writ for a new election for the borough of Ipswich.

Mr. *P. M. Stewart,* at that stage of the proceedings, wished merely to correct one expression of the hon. Member. The hon. Member had certainly asked him in the lobby whether he meant to oppose the issue of the writ, and he said certainly not; the instructions of the committee did not go to that extent; but he had as certainly stated in the same place, if not to the hon. Member, to others, that he meant to support the bill to be introduced by the hon. Member for Finsbury, although individually he would make no motion. He stated this, in case the hon. Member wished to add anything to his former remarks.

Mr. *T. S. Duncombe* said, it certainly was his object to defeat the issue of the writ, and at the present moment. The hon. Member had expressed a hope that he would not persevere with his bill, believing, as he said, that he could make out no case to prevent the issuing of the writ, or incapacitating the persons named in the bill from voting. He assured the House, however, that unless he thought he could make out a case, he would not have brought forward his amendment. If her Majesty's Ministers and the House wished to satisfy the public that they were in earnest in their virtuous indignation against the crime of bribery, or in the professions of horror at that crime which had been made during the last two or three months, he thought he should be able to make out such a case that they would not allow this writ to issue. What was the state of the borough of Ipswich? What had been its state since the Reform Bill, or at least since the years 1834 or 1835, when there was a general election. During the last seven years, or little more, there had been five elections for the borough of Ipswich, and those five elections had produced five petitions. The first of these was at the general election at the close of the year 1835. Bribery and corruption were alleged in a petition to have taken place at the election of Mr. Dundas and Mr. Fitzroy Kelly, and both those individuals were unseated on the charge of bribery. At that time one of the individuals whom he proposed to incapacitate first appeared—he meant Arthur Bott Cook, who was reported to have been guilty of bribery, and to have absconded to avoid the service of the Speaker's warrant. Another petition was presented after the general election of 1837 against the return of his hon. Friend, Mr. Tufnell, and that Gentleman was unseated, not for bribery, but on a scrutiny. Then, his hon. Friend the Member for Manchester (Mr. Milner Gibson) resigned his seat in 1839, and Sir T. Cochrane was returned. At that time a petition was presented complaining of gross bribery, but it was not prosecuted because a general impression prevailed that there would be an early dissolution of Parliament. Then came the general election of 1841. After that election a petition was presented against the return of Mr. Wason and Mr. Rennie. That petition was tried in April last, and both those Gentlemen were unseated, being declared guilty of bribery by their agents, though not with their cognizance. The committee reported on the 25th of April to the House:—

> "That this committee are of opinion, from the evidence given before them, that extensive bribery prevailed at the last election for the borough of Ipswich, and that the issuing of a new writ for the said borough ought to be suspended until the said evidence shall have been taken into consideration by the House."

That evidence was printed and taken into consideration by the House. Several discussions took place, and it would be recollected that the House decided the writ should issue. He now came to the last election, at which the Earl of Desart and Mr. Gladstone were returned. Those two Members were also unseated, their agents having been found guilty of bribery, though without the cognizance of either. If any hon. Gentleman would take the trouble of reading the evidence, he would find the full proofs, but he would not read any extracts, or refer to it further than to state the names of the individuals concerned in the bribery at the last election. Amongst them he found some of the same individuals who had not only been reported, but convicted of bribery on former occasions before other committees. They were not all new delinquents. The individuals reported by the last committee were those who had been bribed, and the evidence showed the gentlemen who were the bribers. The most prominent amongst them was Arthur Bott Cook, the same individual who was reported in 1835, and the same man with respect to whom it was

> "Resolved by Ipswich committee, on 10th July, 1835, that Arthur Bott Cook, John Bury Dassent, John Pilgrim, and others, were guilty of bribery at the said election."

Arthur Bott Cook was one of the men who caused the miscarriage of the noble Lord and the hon. Gentleman, who were unseated this Session. The evidence showed that he bribed Richard Bishop with 8*l.*, William Pack, jun., with 10*s.* to his wife. [Cheers.] Hon. Members wished it was 10*l.*, he supposed. Mr. Cook also bribed Amos Goodchild with a promise of 5*l.* to pay his rent. He thought, therefore, that Arthur Bott Cook, who was guilty of bribery in 1835, and reported to the House, and who had repeated the same offence in 1842, was an individual whom the House ought to visit with some reprobation and disfranchisement. What could be more absurd than that Mr. Wason and Mr. Rennie, Lord Desart and Mr. Gladstone, four individuals, should be incapacitated from sitting in the present Parliament, in consequence of the acts of their agents, and yet that the individuals who unseated these four Members should be allowed to pursue their course uncensured? Did they not think it a great enormity, and a great injustice, to unseat these Members unless they took some notice of the individuals who did it? Then came Mr. Henry Gallant Bristo, who in 1835 was concerned in the election, but who was not reported to the House. He was proved before the last committee to have bribed Henry Graves, by employment of his boy, aged 13, as messenger, at 30*s.* a week, when he only earned 2*s.*; John Downing, by a release from a security of 25*l.*; Thomas Bowman, with 30*s.*, for not playing in the band; and Robert Pack, to whose son he would only give 7*s.* 6*d.* as messenger, because the father would not vote. Next came Charles Steward, who raised the bribe of Richard Bishop from 7*l.* to 8*l.*, besides writing letters to outvoters, promising payment of expenses, and then paying them exorbitant sums at Deck's rooms. Then there was another old offender bribed by Arthur Bott Cook. He had been bribed by Thornbury with 15*l.* at the election in 1841, to vote for Wason and Rennie, and gave evidence before the committee that unseated them. At the last election he was bribed by A. B. Cook, with promise of 5*l.* for rent; and a third of the class of old offenders, William Brown, a tinman, who was bribed by Mr. Sampson to vote for Wason and Rennie with 15*l.*, and gave evidence before the committee that unseated them, and at the last election was bribed with 4*l.* 10*s.*, under pretence of travelling expenses, 10*s.* paid by Mr. Jackaman, and 4*l.* at Deck's Room, by Stewart and Brisot. So that the same men who gave evidence in April of their acts in 1842, so as to unseat Messrs. Wason and Rennie, having voted for them, went over to the other side in June, voted for the Tories, gave evidence again, and thus succeeded in unseating four Members. The names of John Downing, Richard Bishop, and the others to be found in his bill, were all in the evidence to which he might refer, making altogether twenty-one names, whom he thought ought to be incapacitated from voting at any election of Members to serve in Parliament. It might be that there were some names that ought to be included, and that some cases might require separate consideration. There might be some circumstances accompany those acts which might demand an exemption, to be considered when the bill went into committee in that House, or up stairs; and he would be quite willing that names should be expunged or added in committee. The question really was, whether the House would consent to issue the writ till it had dealt with those individuals who at the last four or five elections, had shown themselves ready to commit bribery if they could find the opportunity—whether they were to repeat their corrupt practices without condemnation? He was not acting without precedent in the course he proposed. In the borough of New Shoreham, in the year 1771, a society existed solely for the purpose of selling the borough to the highest bidder, called the Christian club. In consequence of the benevolent and charitable objects they had in view they gave themselves this title. A bill passed the House of Commons in three or four days, and afterwards passed into the act of 11th George 3rd, c. 55—

> "An act to incapacitate John Burnett, &c., (in all 68), from voting at elections to serve in Parliament, and for the preventing bribery and corruption in the election of Members to serve in Parliament for the borough of New Shoreham, in the county of Sussex."

It recited that a corrupt society, called the Christian Club existed; in order to prevent such unlawful practices for the future, and that the borough be from thenceforth duly represented in Parliament, it was enacted that the said John Burnett, &c., be and by virtue of this act are thenceforth incapacitated and disabled from giving any vote at any election for the choosing a Member or Members to serve in Parliament. This bill then provided for the extension of the right of voting to the Rape of Bramber, and concluded with this clause:—

> "And be it further enacted, that this act shall be publicly read at every election for the said borough of New Shoreham immediately after the acts directed by any act of Parliament to be read thereat, and before the persons present shall proceed to make such election."

It appeared that a majority of the electors belonged to this club, formed under the pretence of performing acts of charity and benevolence. Surely it would be said nothing could be more proper than these charities, or less likely to lead to disfranchisement; but, "It appeared from the defence made by the officer, that a majority of the freemen of that borough had formed themselves into a society, under the name of the Christian Club; the apparent ends of which institution were to promote acts of charity and benevolence, and to answer such other purposes as were suitable to the import of its name. Under this sanction of piety and religion, and the cover of occasional acts of charity, they profaned that sacred name, by making it a cloak for carrying on the worst purposes; of making a traffic of their oaths and consciences, and setting their borough to sale to the highest bidder; while the rest of the freemen were deprived of every legal benefit from their votes." It appeared that the club consisted of sixty-eight Members, five of whom, previous to an election, were appointed a committee to treat with the candidates. They contracted with the candidates, and when they had done so, these five individuals did not vote, but only told the others how they should act. The others knew when the club met by the hoisting of a flag, and on the occasion on which they were found out, there was a report of the death of the member, Sir C. Cornish. The flag was hoisted—he was not dead; they were prevented from carrying their object into effect, but the consequence was that this bill was brought in, incapacitating sixty-eight by name, from ever voting in the election of Members of Parliament,

"Many doubts arose as to the mode of the punishment. It was proposed to disfranchise the borough; this, however, was thought too dangerous a precedent; others thought that the culprits should be left to the punishment of the law; but though there was a clear conviction of their guilt, it was a matter of such a nature, as made the establishment of legal evidence very difficult; and if they escaped without some signal mark of reprobation, it would be an encouragement to the most barefaced corruption, when the whole kingdom saw that it could be done with impunity."

He believed, that it was only within the last few years that the last of these individuals was dead. This was one precedent. He had also another, in the case of East Retford, in 1828, when a bill was brought in to incapacitate certain persons therein mentioned, from voting at elections of Members to serve in Parliament. Sixteen were disqualified, and the act recited that—

"Whereas a long established and notorious custom has prevailed in the borough of East Retford."

The writ was suspended, and the bill passed the Commons, though it was thrown out in the Lords. He only mentioned the case to show that the House of Commons always entertained the principle of these bills. He had the authority of the right hon. Baronet, the Member for Tamworth, that the adoption of measures against individuals was the proper course to be taken. On the 26th of June, on the motion of the right hon. Gentleman, the Member for Montgomeryshire, the right hon. Baronet said that—

"He thought it would be a dangerous doctrine to promulgate, that those who received bribes should pass without animadversion Where there was a constituency of 3,000 or 4,000 persons, among whom gross bribery was proved to have taken place, he thought if the House selected three or four instances, it would be a just punishment to the individuals and a useful example to constituencies in general."

And subsequently, the same night, on Colonel Rushbrooke's successful motion to issue the Ipswich writ, the right hon. Baronet said—

"He did not see sufficient reason for resisting the issue of this writ. He wished to punish individual voters who might be proved guilty of bribery, but he thought it would be unjust to punish the whole constituency of a borough, for the crime of a portion of them."

That was precisely his case; he did not wish the whole constituency to be punished, but he desired to see individuals who had been guilty of offences meet with the just punishment due to their conduct. But what was the language of the right hon. Baronet in the last Session of Parliament? On the 6th October, 1841, he said—

"Some of the worst cases which I have heard of, took place in the large towns. In some places, the extent of bribery and corruption was enormous. It would be invidious to name particular places, but I believe that the metropolitan towns of certain counties might be named. If certain election petitions which have been presented should be persevered in, and which I hope will be the case, it will show that some of the worst cases of bribery have occurred in large towns. Nothing would give me more satisfaction than to see the cases of those large towns taken up by the House, and that signal examples should be made of those places by disfranchising their constituencies, whether they were small or large towns, in which those corrupt practices occurred."

Surely, then, when one borough had been reported twice in six months, it was time that some steps should be taken towards inflicting punishment. Had not Ipswich maintained a character notorious for corruption during the last six or seven years? What was the evidence of Sir Thomas Cochrane on this point? He had written a letter in reference to the borough which had lately been published, and was as follows—

(Private.)

"Sir—Having reason to believe that you are one of those gentlemen who consider they have unliquidated claims upon me arising out of the last election, and as I have never yet, in the course of a pretty long life, allowed any just demand to remain undischarged, I feel called upon in self-defence, notwithstanding that my connection with Ipswich has ceased, to show, that you have been deceived upon this point; and as the most effectual means of doing so, I shall lay before you a detail of the whole proceedings relating to my connection with your borough from its incipient state to the period of its cessation.

"Early last summer an offer was made to me of standing for the representation of Ipswich, in the event of a dissolution of Parliament, as, in consequence of the political conduct of Mr. Gibson, the Conservative party had come to the resolution of withdrawing from him their support. This led to conferences with Mr. Fitzroy Kelly, Mr. Cobbold, and other gentlemen, at which the whole affairs of the borough, and the probable amount of the expense of a contest, the nature of the expenses incurred upon such an occasion, &c., were most minutely inquired into, for I set out with distinctly stating to those gentlemen, that I was not a person of large income, and could not afford to go beyond a certain sum in any conflict I might enter upon.

"The description given to me as to the probabilities of success and the extent of liabilities were encouraging, but our negociation went off in consequence of my declining to keep myself disengaged for a vacancy at whatever period it might offer.

"It was some weeks after the termination of this negotiation that Mr. Gibson's resignation suddenly and unexpectedly occurred. I was immediately applied to, to encounter a contest for the vacant seat, but declined on the ground that as I could not engage in two contests, I must hold myself free for the contingency of a dissolution. I was then extremely pressed to change my determination. I was told that it was of vast importance to prevent the intrusion of a Whig or Radical into the borough; and that, if I did not undertake the task, the seat would, in all probability, be lost; and Mr. Fitzroy Kelly declared that if I would consent to make the attempt, he would guarantee that the expense on my part should not exceed a certain sum; and that he would give me a letter to the leading men of Ipswich, to that effect. I still stated the inconvenience even that sum would place me under. I, however, at last, very reluctantly assented; and for no other reason than to support the Conservative cause, and protect that party in Ipswich. Within an hour I was on the road to Ipswich, and on arriving, early in the morning, I had an interview with Mr. Bristo, and my first step was to place Mr. Kelly's letter into his hands, as containing the conditions on which I had come down. His reply was, that he did not see how it was to cost so much. This answer having perfectly satisfied my scruples, and terminated my anxieties, we went to work, and the progress and the result of the election you are as well informed of as myself.

"Before the day of election arrived, I had paid into the hands of Mr. Cobbold the whole sum I had on my departure from London, stipulated to advance, and I left Ipswich after the election under the conviction that I was as free from any pecuniary obligations to that place as if I had never heard of it.

Within two or three weeks after, I received a letter from Mr. Fitzroy Kelly, asking me to pay a certain further sum on account of the election. I was not a little surprised by such a demand, and particularly coming from him: but still I paid it without any comment or observation, feeling that at all events now my pecuniary obligations were definitely discharged.

"Not long after this event, Mr. Kelly returned from his circuit, and acquainted me that in a recent visit to Ipswich, Mr. Bristo had informed him that there were outstanding debts there due for previous political occurrences to the extent of nearly 2,000*l.*, and that unless these demands were liquidated, the Conservative candidates would suffer upon any future election; that he had agreed to pay 1,000*l.* of this sum, and suggested whether I would not defray the remainder. To this astounding information I scarcely knew how to reply, and I recapitulated to Mr. Kelly all that had passed between me, himself, and the gentlemen from Ipswich, who had been authorised to look out for a candidate, and who under that authority had conferred with me; I called to his recollection the scrutinising inquiries I made as to the state of the borough, and the liabilities a candidate would be exposed to, and the perfect silence that prevailed on the subject of the debt in question.

"Mr. Kelly admitted the truth of my statement, but at the same time added, that if the money were not paid, both our seats would be endangered. He afterwards requested me to receive a communication from Captain Fitzroy, of the navy, which communication was little more than a repetition of what Mr. Kelly had previously stated, with the addition of his own opinion, that the people of Ipswich were determined to have the money paid, and that if I did not come forward, they would find some other person who had 2,000*l* or 3,000*l.* to spare, and throw me over; and I closed the discussion by repeating my determination never to accede to so unjust a demand, adding that the people of Ipswich had hitherto dealt honestly with me, and I should not believe they would depart from that course until I had positive proof of it.

"It was some weeks after this interview I learnt, that unfavourable impressions were in circulation with regard to me at Ipswich, and for which I was well aware there could be no other ground than my having withstood the demand already mentioned.

"It was not until the month of February that a further demand was made upon me for nearly 500*l.*, which has been the more immediate cause of the dissolution of my connection with Ipswich. Had not the previous claim for payment of the party debt of 2,000*l.* prepared me for any demand, however extravagant, I should not have been a little astonished at this new exaction; in a correspondence which it produced, I again called to the recollection of all parties the circumstances attending my first coming forward, namely, that I had declared my unwillingness to do so on the ground of expense; that on being much urged, I reluctantly consented, on the clear understanding that my expences should be limited to a certain sum; that I paid down that sum before the election, and complied with an additional demand. That this declaration of inability to go beyond a certain sum was not made after the event, as on such occasion sometimes happens, but before, and when no step had been taken, consequently that no one had a right, under such circumstances, to urge upon me an expense, of my ability to pay which I was the best judge. Yet, notwithstanding this state of the question, and the injustice attempted to be visited upon me, I concluded by declaring, that my anxiety that the Conservative cause should not suffer by a rupture was such, that I would engage to meet this demand of nearly 500*l.*, provided I found upon a future election, that I received that fair and honourable support I consider myself entitled to, and that I should do so even if I lost the election; and I think, sir, you will deem the security I here took as to future support, no more than reasonable caution, after the threats of desertion in the event of the non-payment of the before-mentioned proportion of the party debt; and I must further add, that this offer went beyond the conditions suggested by those gentlemen well versed in election proceedings, whom I consulted in every step of the foregoing proceedings.

"The gentlemen to whom this proposition was submitted have, in other words, given it to me as their opinion, that it will not meet the views of the electors of Ipswich; and, feeling convinced in my own mind that nothing but the payment of the greater demand, in addition to the 500*l.*, will secure me the entire support of the Conservatives of Ipswich, and that the apprehensions entertained by Captain Fitzroy are about to be realised, I consider no alternative is left me but to terminate my political connection with Ipswich; and I cannot but persuade myself that you will view the whole of my conduct, as here detailed from first to last, as marked by the strictest regard to honour and good faith, and that had I been met in a kindred spirit, the harmony of my relations with your borough might have continued uninterrupted; and, as your opinion upon the merits of the question must, in a great measure, depend upon the extent of faith you repose in this statement, I with confidence refer you to Mr. Cobbold, Mr. Fitzroy Kelly, and Captain Fitzroy, or any other person mentioned in this letter, for the accuracy of the portions of it in which they were respectively concerned.

"I have the honour to be, sir,
"Your most obedient servant,
"Thomas Cochrane.

"London, Sept. 21, 1840."

Had the constituency become more virtuous since then? He believed that no one would say that it had, for in one Session of Parliament it had been reported twice—once in April and lately again in July—and four Gentlemen had been unseated in consequence of the corrupt practices carried on. He, of course, assumed that the reports of the committees were correct. He had looked through the evidence, and he maintained that the report of the committee was fully sustained—that individuals had been bribed by the agents of the sitting Member. Where were they to stop? Could a line be drawn? Could any distinction be drawn between a bribe of 30*s.*, of 30*l.*, or 300*l.*; and were not individuals equally guilty of bribery who voted by reason of a pecuniary inducement of a large or small amount being given to them? He appealed, then, to the House that he might be permitted to bring in this bill. He had made out a case of bribery, and if the bill was introduced, he was ready to refer it to a select committee, who should be authorised to investigate the cases of the particular individuals referred to in its provisions, and to strike out the names of any persons, or insert those of any others, which they should deem necessary or proper. It might be said, that there was not sufficient time for such an inquiry, because, this being a bill of pains and penalties, it was fit that the individuals sought to be affected should have an opportunity of being heard by counsel at the Bar. But he said, let this argument prevail—let it be admitted that there was not time for a full inquiry: but as a case was made out, suspend the writ until next Session, when a full investigation could be had. What inconvenience could arise from such a course being adopted? In the case of the Southampton writ, the other day, it was true that he heard that some complaints were made. But they were not complaints that the town was not represented, but that there being no Members, there was consequently no Members' plate at the races. He knew not whether any races were likely to occur between this and February at Ipswich to call for a subscription or members' plate, but he was sure that no other inconvenience would be felt in the meantime but the absence of some such subscription. He thought, however, that the House would stultify itself, and all its proceedings, if they now issued this writ in the face of the reports which had been made. If those reports were to be set at naught, if the House was not to pay the least regard to them, no doubt the House would be right to issue the writ: but if these committees were appointed for the purpose of trying these cases, if hon. Gentlemen should enter into these investigations and make their reports upon their oath, and these hon. Members were to get up and say, "we will set this report at naught," he thought that the sooner the House parted with its jurisdiction in these matters the better. This was the first committee in reference to which he had heard complaints made so openly, and he would say, so indecently, as they had been made. He had seen them in the public prints—he had heard them openly made in the lobbies about the House; [*Cheers*;] and he hoped that the hon. Gentlemen who so loudly cheered him would state the grounds on which they formed their opinions. He had read through the evidence, and he maintained that in all the cases the report was fully sustained by the evidence. He would not weary the House by going into the evidence, but he would leave it to hon. Gentlemen opposite to point out its inconsistencies. Various cases of bribery were made out, and he believed that it would best become the House to take it into their serious consideration to make an example, instead of allowing these persons to repeat the offence of which they had been found guilty. The hon. Member concluded by moving as an amendment:—

"For leave to bring in a bill to incapacitate Arthur Bott Cook; Henry Gallant Bristo, Charles Steward, John Downing, Amos Goodchild, William Brown, Richard Bishop, John Cockle, Robert Hines, William Fuller, Henry Graves, William Blythe, William George Cole, Edward Franks, William Franks, Joseph Barrett Warren, Robert William Baker, Emanuel Baxter, Thomas Bowman, William Pack, senior, and Robert Naunton, from voting at elections to serve in Parliament, and for preventing bribery and corruption in the election of Members to serve in Parliament for the borough of Ipswich, in the county of Suffolk."

Mr. *Blackstone* was ready to confess that he had originally intended to support the motion of the hon. Member, but he thought, after reading the evidence upon which his motion was founded, which he had gone through most carefully, that it did not authorize the conclusion which had been arrived at by the hon. Member. He was somewhat acquainted with the borough of Ipswich, having sat on a committee for seven weeks in the year 1837, of which the hon. Member for Renfrewshire was chairman, and he must remark that Mr. Bristo to whom the hon. Member had alluded, was not concerned in the transactions of 1835, for at that time he was the returning officer. In reference to the case of Arthur Bott Cook, he thought that it stood on very different grounds, and having looked through the evidence, he was persuaded that it did not afford grounds for his future disqualification. He had come to the same conclusion upon the case of Amos Goodchild, and indeed the only case of direct bribery which he could discover was that of Downing. He could not help thinking, however, that this was not an opportunity for the introduction of a measure like the present; for he thought that after the case of Mr. Rigby Wason had been permitted to pass, he having only been brought into Parliament at an expense of 3,000*l*., that of Lord Desart, who had spent only 450*l*. should not be opened. He agreed that these were cases to be referred to select committees, and he begged to give notice that early next Session he should take an opportunity of moving to refer the evidence in the Sudbury case to a committee, and on the report of that committee he should ask for a legislative enactment. But viewing this as a partial case, he could not vote in favour of the motion of the hon. Member for Finsbury.

Captain *Fitzroy* thought that this was a case which called for the expression of an opinion by every independent Member of that House, for he thought that there never had been a more wanton decision arrived at than that which had been come to by the committee in the Ipswich case. He saw nothing in the evidence to support the inference drawn in the case of Arthur Bott Cook. He knew that that was looked upon as a strong case by hon. Gentlemen opposite; and it was asked why was not Cook called before the committee? But he contended that it would have been the very height of injustice for the legal adviser of the sitting members to have called that person, because on his first entering the committee-room he could see that his case was prejudged. He maintained that the first division that took place showed the feeling and bias of the committee. They differed from any other election committee that had sat this Session as to their proceedings. The question was as to agents being present, and the hon. Member for Coventry moved that two persons locally connected with the borough should be allowed to be present on each side. The committee divided, when the numbers were four and three, so that the question was carried by the casting voice of the chairman. This division alone was sufficient to testify to the agents and counsel for the sitting Member that it was useless to go to further expense to defend the return. What was the chief case of bribery? Was it not that of W. Blythe, a free shipwright, who had received 30*s.* for coming from Harwich to Ipswich to vote, and who had to pay all the expenses of going and returning, as well as losing a day's work, and who had been turned away by his patriotic Whig master for having voted in the way in which he did? He was asked—

> "Did you know before you voted that you would be paid for loss of time?—No, I did not, but I expected. Before you went to vote you expected to be paid for loss of time?—I knew I could not afford to lose my time—I have a large family—daily labour to me is only daily bread; I could not lose my time."

If this was the case—if a trifling remuneration of this kind was to be withheld—was it not an argument for raising the franchise? Was it not, in point of fact, saying, that no man should have the franchise who could not afford to lose a day's work to exercise it? He did not think that it was an unreasonable charge, and he did not conceive that the committee was justified in coming to the conclusion that this was a case of bribery. According to his notion of the matter—and he had studied bribery very much—bribery involved the making some offer of a place, or giving some emolument to influence a man's vote. He was satisfied, that by such decisions as the committee had arrived at, they held out an inducement to bribery by prejudging the case. Lord Desart and Mr. Gladstone might as well have spent 25,000*l.* as 200*l.*, if such objections to cases as were adduced were to be held to be bribery. He admitted, that in principle it was an act of corruption to give even small sums at elections, but he believed that the small amount that had been expended at this election had not been given for the purpose of influencing the voters or anything of the kind. Were these twenty paltry cases which had been alluded to by the hon. Member for Finsbury to be held sufficient to justify the proposition that he had made? For his own part, he did not believe any fair or candid man could justify the passing of such a bill as that which was adopted in the Shoreham case, where the great majority of the voters had taken bribes. The hon. Member, although he stated that twenty cases of bribery had taken place at the last election, in his motion only makes an allegation of twelve cases. He denied that corruption had taken place at the last election for Ipswich, and contended, that the report of the committee was most unfair, and he was sure that but for that late period of the Session, when hon. Members had not time to read such a lengthened volume, that the almost universal feeling of the House would be with him. He was satisfied, that if hon. Members would read the report and the evidence, they would say, that it did not justify the resolutions come to by the committee, and that the majority of that body had prejudged the case before they heard the evidence. He did not wish to say anything personal in that House, but he must observe, that if he was petitioned against, and the hon. Member, the chairman of this committee was elected to preside in his case, he would retire from the contest, and would not throw away any money. He contended that this was a case that touched all Members who sat for cities or boroughs, and that it would be impossible for any man returned for a borough to defend his seat if decisions like the present were come to, and more especially when bills like those that recently passed the House had been adopted. For his own part, he was most anxious to take out of the jurisdiction of the House the trial of all election cases, and the bill which had just passed was an additional reason in his mind for doing so. If persons' property and character were to be at stake who represented boroughs—for the House might depend upon it that petitions would be presented in nearly all such cases—it was of the utmost importance that the election petitions should be tried by a tribunal which possessed the confidence of the House, which the present did not. It was of the utmost consequence that there should be an impartial tribunal, and he was perfectly prepared to repeat, under similar circumstances, all that he had said that night as to the decisions of the committee in this case. He had read the evidence with the greatest attention, and he was utterly at a loss to understand on what ground the committee could come to the conclusion that bribery had taken place. He supposed that it would be said on the other side that bribery had taken place in the case of Amos Goodchild by Mr. Arthur Bott Cook, but it appeared that all that that person had said was that "That was right," and I then saw no proof of paying money on his part. He confessed that he did not understand the case of Downing, but it appeared to involve some legal question as to the release from some security by Mr. Bristo. He would ask, however, what proof could be adduced, for he confessed that he could not conceive of there being agency on the parts of Mr. Bristo or Mr. Cook. Mr. Hunt, the legal agent for the sitting Members, distinctly denied that they were agents. He was asked—

"Did you give any authority, direct or indirect, or in any manner whatever, to Mr. Bristo to act for you in the managemennt of the election?—Certainly not.

"I repeat the same question with regard to Mr. Cook?—Certainly not, unless it may be supposed that in communicating with them upon their canvass, or giving them any list, that might be considered a direction."

He was subsequently asked—

"Was the communication with Mr. Bristo in the least degree upon the footing of a subagent?—Certainly not; I should have repudiated that immediately, if I had heard it suggested."

He would not trespass further on the time of the House, but should give his cordial support to the motion of his hon. Friend.

Mr. *M. J. O'Connell* had never heard a speech with more regret than that which he had just listened to from the hon. Gentleman. It might be very well to take the jurisdiction of election petitions from the House, but as long as the committee was the tribunal to which the decision was left he thought that they might safely leave the matter to its decision. He sincerely hoped that the hon. Member, in his cooler moments, if he had any such, would reflect on the language that he had used, and he had little doubt but that he would regret the terms that he had used. It had often been said that a person who charged all others around him with corruption, generally arrived at the conclusion from the observations of his own conduct. The hon. Gentleman said, that the committee, being judges in this case, had prejudged the matter. The hon. Gentleman stated that he had had some experience in the proceedings of election committees, and if he (Mr. O'Connell) was not very much mistaken, he was interested in one before which some matters of a curious nature came out. Now, upon what evidence the hon. Gentleman arrived at such a conclusion he was at a loss to conceive. The hon. Member said that the reason why Mr. Bristo and Mr. Arthur Bott Cook was examined, was, that the counsel and agents had no confidence in the decision of the committee, after it had prejudged the case by its first decision, and the proof of this broad assertion was, that the committee had come to the conclusion as to whether one or two persons on each side locally connected with the place, should remain in the room during the examination of witnesses. Now the hon. Member for Finsbury had pointed out cases where similar conclusions had been come to by election committees without any complaint having been made. He was sure, on reflection, that the hon. Member opposite would regret the charge that he had that night made as much as any Members who had heard it. The hon. Member had made some allusions as to the supposed reasons why Mr. Cook had not been examined; now, that person himself had stated in his declaration that the reason why he was not examined was, because he was prevented by the legal advisers of the late Members. Now he was well aware of the ability and learning of the legal advisers of the late Members, and the hon. Member might depend upon it that they had arrived at a sound conclusion, when they thought it safe not to examine Mr. Cook. The hon. Member complained that the names of the persons who had been charged with bribery at the last election in the resolution of the committee had not been struck off the poll; now, the hon. Member must be aware, on reflection, that this could not be done, as no scrutiny had been prayed. In the present case, as regarded this resolution, the committee had completely followed the Sudbury case. He hoped, for the sake of the character of the House, that charges such as had that night been made would not be made in the reckless way in which the hon. Member had indulged.

Mr. *P. M. Stewart* said, that after what had fallen from the hon. Member for Lewes, he felt called upon to say a few words, with the view of showing that the proceedings of the committee had been grossly maligned by the hon. Member. In discharge of the duty which devolved upon him, as chairman of the election committee, and in vindication of its proceedings, he would appeal to the judgment of the House; but he would not appeal to the judicial opinion of the hon. Member, for he differed from him entirely as to what were the duties of those who sat on these committees—as to the correctness of the course which had been pursued by that tribunal, after he had shortly narrated the proceedings that took place before it. He confessed unhesitatingly that he felt himself in a painful situation in presiding over that committee, for one of the parties interested in the case was one of his oldest friends—he alluded to Mr. Gladstone; but a sense of duty alone actuated him in the course which he had felt called upon to pursue during that inquiry; and if it had been the case of his own brother, he should have come to the same conclusion in every instance that he had come to on the committee. The hon. Member had said that the decisions of the committee were monstrous. This was easily said, but it was not easily proved. After nine days' careful investigation of this case, he would appeal to his then hon. Colleagues on that committee who sat opposite, as to whether anything that occurred before them could justify so unfounded a charge as that which the hon. Gentleman had chosen to make? The hon. Member for Wallingford, and the hon. Member for Lewes, both stated that the cases which were stated in the report did not amount to bribery or treating. Now, the committee who had heard the evidence, and had carefully considered it, came to a different conclusion from those hon. Gentlemen, for they were unanimous with respect to treating having been carried on to a great extent at the last election, and also as to the prevalence of bribery. The only point on which there was a difference of opinion was, not as to actual agency, but as to the degree of responsibility of the principals for the conduct of their agents. The whole argument of counsel for the sitting Members was, to show that there was no direct agency, for there appeared to be no doubt as to bribery having been committed. This was a strong ground for the committee to arrive at a conclusion, sitting as it was, as a tribunal to do justice to the several parties. The cases were fully gone into before the committee, and the whole particulars of the case were fully detailed in the evidence. He would have asked the hon. Member to enlighten his mind by reading the evidence on the subject, but after the monstrous assertions and exaggerations which he had been guilty of, he feared nothing could enlighten such a mind. He had no wish to detain the House, but he felt called upon, in justice to the committee, to advert to some of the cases. He thought that, by reading the evidence with respect to most of them, they would speak for themselves. The hon. Member took care to give the go-by to the chief case, for he declared that he did not understand that most flagitious case of Downing. If the decision that had been come to with respect to bribery were wrong, the whole committee were wrong, and the chairman should not again be made the subject of charge, and be visited with the displeasure of the hon. Member. The hon. Member said that the case of Goodchild was capable of explanation; but it was clear that this explanation was an afterthought of Mr. Arthur Bott Cook, and which he had put into his declaration. If the case was capable of this defence, why was not Mr. Cook put into the witness box? The hon. Member had expressed his surprise that the counsel for the sitting Member had not produced this person. He would tell the hon. Member why they did not do so—the legal advisers of the sitting Members did not do so because they believed that Mr. Cook would speak the truth, and the whole truth. He had intended to take no part in the proceeding, but as chairman of the committee, which had been so often adverted to, he trusted that he should be allowed to trespass on the time of the House for a short time longer. The hon. Gentleman asked, how they could connect Goodchild with Cook, after the statement in the declaration of the latter? His reply was, that Cook met Goodchild at breakfast at the Waggon and Horses, where the latter had the promise of 5*l.*; and he states, in his evidence,—

> "We were all going off, but Mr. Arthur Bott Cook called out to Gooding that everything was right, and he took hold of my arm, and we went out together to the poll."

The witness then described that he received 5*l.*, with which he paid off his arrear of rent. If this statement was false, why did not Mr. Cook go into the witness box to contradict it? The hon. Member for Wallingford admitted, that the case of

Richard Bishop was rather odd, as he took 8*l.* for the detention of his vessel, when it appeared that it was not detained. Now, this case also was managed, and the money was paid by Mr. Cook. Again, it was proved, that Mr. Cook paid 20*l.* for a breakfast at one public-house for voters on the day of polling. The whole question turned upon agency. Now, there was the case of Henry Graves, to which the hon. Member had referred. Why, in the case of this person it was proved in evidence that he had applied to Mr. Bristo for 30*s.*, in return for his vote; and it was shown, that 30*s.* was actually paid by Mr. Bristo to Graves's son. And there was the case of Bligh, which was very much the same. He (Mr. Stewart) did not know what magnificent ideas the hon. Gentleman might have on the subject of bribes; but this he knew, that the law which the committee had to guide their conduct, made no distinction between a bribe of 5*s.* and a bribe of 50*l.*, looking upon the one as equally a bribe with the other—as equally an attempt to corrupt. Mr. Stewart stated, that he had paid twenty voters from Harwich and that neighbourhood 27*s.* each—no very great sum, perhaps, according to the magnificent notions, in this respect, of the hon. Member for Lewes. But take one case. Bligh, a voter from Harwich, received, not 27*s.*, but 30*s.*; what for? His fare to Ipswich was 6*d.*, his fare back to Harwich, 6*d.*; and being a teetotaller, all his other expenses were 1*s.* 6*d.* at a coffee-house. What was the difference between this amount and 30*s.* given for? There were many such cases which had not been at all denied on the other side; and he would put it to the House and to the right hon. Baronet who had acted in so straightforward a manner in the attempt which had been made to put an end to bribery, whether the case of Ipswich was not one to which the act most unequivocally applied? There was Thomas Bowman, the individual whom Mr. Austin had denounced as utterly unfit to be entrusted with the franchise; this Thomas Bowman received 30*s.*, not for playing, but for being engaged on the band, while Mr. Howgego received 30*s.* for playing for half an hour. If this were not bribery, it looked very like it. The House must not be misled by the small amount of the sums paid. The same purposes for which thousands upon thousands had been expended at Nottingham and Lewes, had been effected in Ipswich, cowed and fearful after its so recent conviction, for shillings. He was quite ready to admit, that there had been no evidence to inculpate the late Members for Ipswich, but certain he was, that no man could read the statute of George 2nd, and the evidence before the Ipswich committee, with a fair and impartial attention, and say the men charged with bribery had not been guilty of it; and, admitting this, he would ask how could they get rid of the liability of principals, on the ground of the culpability of agents? No man was mad enough to give a direct commission of agency to persons in matters of this kind. The fact must be arrived at by inference and corroborative evidence; and as to Bristo, the evidence showed that he was actively engaged as agent; attending committee-rooms, issuing circulars, engaging men, canvassing, and so on. The hon. Member for Longford, and the hon. Member for Bedford would, doubtless, not fail to state to the House their impression on these points, as they had stated to the committee. Mr. Stewart, it was admitted, was an agent; and it was admitted that he had done certain things; but then, it was contended he was a special messenger, who had exceeded his instructions, and therefore his principal was not liable for his improper proceedings. He would repeat, that no man who read the act and the evidence fairly and impartially, would say, that the committee had come to its decision unjustifiably. He could safely say, that he had decided upon every point most conscientiously and impartially, without prejudging any man or any circumstances, and he was well convinced, that there was no court of justice that would not say the finding of the committee was strictly just and legal. It was not denied, indeed, that bribery had been committed, and as to treating, that worst species of bribery, as the right hon. Baronet opposite had designated it, it had been practised at Ipswich to a very great extent. No fewer than twelve or fourteen houses had been thrown open, under the presiding care of Mr. Howgego; and, among the other items brought before the committee, was one for a horse and cart, a mysterious item which even Mr. Charles Stewart could not give a reason for, though he did not quite think it was kept at work for the purpose of carrying about the drunken voters. One bill was

20*l.* for breakfasts, and all the witnesses stated, that these fourteen houses and many more, were thrown open, not merely on the day of election, but on the day of nomination, and that they were full of persons who were eating and drinking, and paying nothing for it. It was perfectly clear, that Bristo, Stewart, and Cook, had acted as agents, and the whole evidence had shown this, as well as that bribery had been committed, and it was therefore most preposterous that he should be maligned in this unprecedented manner, for having done his duty as chairman of the committee. The hon. Member opposite seemed to regard with very scornful eyes the small amount of the bribery in this case, but he made no reference to the Evesham case, wherein Mr. Peter Borthwick had been convicted of bribery, personally, and not through his agents, on the ground of one silver snuff box and an undertaking to pay a small amount of rent. He would repeat that he had never, throughout the whole course of the committee, made a suggestion, or given a decision but from the most conscientious and impartial motives; and he could say this the more safely, because he could say at the same time most truly, that it had been with deep personal regret he had found himself compelled to co-operate in a measure which unseated his old friend Mr. Gladstone. Thanking the House for the kind attention they had afforded him, he would conclude with pointing out to them that their votes now would be a direct test of the sincerity of their professed desire to put an end to bribery. Let it be recollected, that since 1820, there had been nine petitions against returns for Ipswich, and that in seven out of these cases the sitting Members had been unseated. He trusted, that the House would not, by their decision that night, set the old practitioners of Ipswich at their nefarious tricks again. If they did, they might rest assured that they would be lending a marked sanction to the suspicion and disfavour in which the prevalence of bribery and corruption had involved that House in the opinion of the public.

Mr. *H. Stuart* said, that he stated in the committee and he still believed that in the particular case of John Downing there had been a corrupt contract entered into, and he was of opinion that the evidence proved, without doubt, that Bristo was the person who entered into that contract. With respect to treating, there could be no doubt that 6*d.* and 3*s.* tickets were issued; and that breakfasts were also given to a large number of voters. There was evidence, likewise, to prove that the then sitting Members had done everything in their power to prevent those breakfasts being given, and had desired their agents not to allow them. The whole question, as the hon. Member said, appeared to turn on the agency. There was no proof, to his mind, of the agency of Bristo and Cook; but he was ready to admit that the agency of Steward had been most clearly established. Still, the reason why he disagreed from the hon. Chairman of the committee was, because he did not consider the payments made by Steward illegal payments, at least, there was [a doubt on the point. He could not but regret that so much personality had been indulged in on the present occasion. However party feeling might guide hon. Gentlemen, he did not think there was sufficient reason for the strong expression of feeling which he had heard that evening. He claimed for himself the right which he allowed to others, of forming his opinion according to the evidence before him; and he would not impugn the decision of the committee on the ground that it had been come to from improper motives. He was opposed to the proposed bill. The hon. Member said he would not disfranchise the borough, but his whole argument tended more to that end than to the disfranchisement of particular individuals. Neither could he agree to Steward being included in the list of disfranchisement. As to Goodchild, Brown, and several others, he should certainly be glad to see the whole of that race swept away from the constituency.

Mr. *Lefroy* felt bound to say, that the hon. chairman of the committee placed every case fairly and properly before it, and did not attempt to exercise any influence unbecoming a chairman. At the same time it would be recollected that the committee divided three to four, and the chairman's voice was the casting vote. He did not impugn the motives of the hon. Member, for he was fully convinced that the hon. Member gave his vote as conscientiously as he (Mr. Lefroy) did. The votes in the committee were most satisfactorily given, because every individual Member expressed his opinions. He felt that the hon. chairman had not altogether stated the sentiments which he (Mr. Lefroy) expressed before the committee. Without going into the evidence, he admitted before the committee, that according to the strict reading of the act, there were individual cases of what might be denominated bribery, and still more cases of treating; but he felt it necessary to consider the hands through which the money passed. He believed that Mr. Hunt was the appointed agent of Lord Desart and Mr. Gladstone, but there was not a shadow of evidence to fix the agency on Bristo and Cobbold. There was no doubt that Steward was, to a certain extent, an agent; but he was a special agent, constituted for a particular purpose, and could not bind his principal by any act which exceeded his authority. Lord Chief Justice Abbott had told a jury that where an agent appointed for the purpose of canvassing promised money without the knowledge and approbation of his principals, they were not bound by his acts. On these grounds he fairly and candidly admitted that he did state in the committee that he could not think a resolution could be justified which should go to the extent of depriving the Members of their seats. The proposition now before the House was, in his opinion, altogether unnecessary. If these parties had been guilty of bribery, they might be indicted, and thus deprived of their power to vote again. Why should a bill be brought forward to accomplish irregularly that which the ordinary course of the law could easily reach?

Mr. *Williams*, as one of the committee, vindicated its decisions from the unjustifiable attacks which had been made upon them by the hon. and gallant Member for Lewes. The imputations which had been cast on their motives and conduct were altogether without foundation, and quite unwarrantable. Not only treating, but bribery had prevailed at the last election for Ipswich, and, as agency had in his opinion also been established, the committee could not do otherwise than unseat the Members.

The *Attorney-General* said, the question which the House had now to discuss was not whether the parties named in the motion of the hon. Member for Finsbury ought to be disfranchised or prosecuted. That might be proper or not; but what had the disfranchising of these persons to do with the issuing of the writ? Would the hon. Member for Finsbury oppose the issuing of the writ? [Mr. T. Duncombe said, "Until the bill passes."] Well, but if the hon. Member would agree to issue it then, he said it ought to be issued now. He thought it would be very great injustice that the whole of a constituency consisting of 1,200 or 1,400 persons should be debarred from the exercise of their rights because twenty-one of their number were suspected to have been guilty of corruption; unless for the purpose of disfranchising the borough, or amending the law of representation, the writ ought not to be refused. He had heard much of the present discussion with pain, for he deprecated the imputation of improper motives which had been thrown on the committee. He thought the House ought always to receive the reports of its committees with respect; he, for one, had always been disposed to pay all respect and deference to the decisions of tribunals and the verdicts of juries, even where he might question the accuracy of the judgment. With respect to the culpability of individuals, there were one or two cases of bribery detailed in the report of the committee which might go before a jury; but there was by no means a case of bribery against all the persons included in the motion of the hon. Member for Finsbury. The hon. and learned Gentleman then referred to the case of Fuller, and went through the evidence to show that it could not be considered an instance of bribery, as it appeared that no more had been allowed than should be construed into fair expenses. There was another case, in which a man had been allowed 30*s*. for three days, and that person voted in opposition to his master, by whom he was dismissed for so doing, and knowing at the time of recording his vote that his dismissal would be the consequence. That surely could not be considered a case of bribery, more especially when it appeared in evidence that the man spent more than he had received. There was also the case of Hines, whose wife it was alleged had received 3*l*. for the hire of a bedstead, but then it was not shewn that Hines himself was aware of the transaction. There were five or six other cases similar to this, in which the charge of corruption might perhaps have been brought home had the committee sifted the question to the bottom, but that had not been done, and the charge could not therefore be considered as established.

He did not consider that the case alleged against these individual voters by the hon. Member for Finsbury, even if proved, would justify the disfranchisement of the whole constituency of Ipswich, and he therefore should vote most cordially for the motion of the hon. Member for Longford.

Mr. *C. Buller* thought if the committee wanted any excuse for their proceedings, they would best find it in the speech of the hon. and gallant Member for Lewes. The hon. Member for Renfrewshire, in his capacity of chairman of the committee, deserved, in his opinion, the thanks of the House and the public for the manner in which he had exposed the miserable pretexts of one sort or other under which bribery was attempted to be cloaked. With regard to the motion of the hon. Member for Finsbury, he must say, that he did not approve of motions for the suspension of writs, unless that suspension were necessary with a view to ulterior objects. In the present case it was sought to disfranchise a whole constituency, because of the faults of a few—a proceeding to which he was adverse, because he thought that the vengeance of Parliament ought rather to be directed towards those who gave bribes than towards those who took them. He objected also on the ground that it was unfair to punish all for the faults of a few. It appeared that since the Reform Bill Ipswich had more frequently than almost any other place had its representatives unseated for bribery; but it also appeared that in no instance had it been shown that any large portion of the constituency were bribed. The largest number of persons accused of bribery at Ipswich appeared to have been about seventy, and of these not more than thirty, as far as he could judge from those best acquainted with the place, had been proved to be guilty.

Sir *R. Peel* said, undoubtedly there was a leaning in his mind in favour of decisions of committees; and when he heard so much said about the dissatisfaction generally expressed respecting those decisions, he was persuaded that any other tribunal that might be selected for the trial of election petitions would be equally exposed to complaints. He was convinced that the relinquishing the jurisdiction over contested elections—virtually declaring, that the House of Commons would not trust its Members even under the sanction of oaths to administer justice—would be a fatal blow to the authority of the House. What other tribunal could be framed? What rules should it adopt? How were the judges to be appointed? Where was the judge to be found who would be free from all suspicion, uninvolved in questions such as, "What Minister appointed him? or what way used he to vote?" and so on. If they were appointed by the Government, what would the Opposition say? If by the House, what would the minority say? Were strict rules of law to be adopted respecting evidence? If so, there need be no apprehension of peculiarly severe reports. If there were a latitude of judgment, the reproaches that were now circulated would be repeated against the "new tribunal," whatever it was. It might be all well for some who, being Members of the House of Lords, felt some little jealousy of the Commons' jurisdiction—it might be well for them to talk of the Commons giving up the jurisdiction over the returns of their own Members, which the Upper House would retain. But, for his own part, he earnestly deprecated the withdrawal from the House of this jurisdiction; and, with that feeling, he was disposed to receive with respect and credit the report of every committee. Admitting, however, the whole case made in the report, allowing that out of a constituency of 1,600, some thirty were bribed, the question yet remained whether the rights of the entire constituency should be suspended, and that question be answered in the negative. In the cases of Nottingham and Southampton, where some extent of bribery had certainly been proved, the writs had nevertheless been issued. Yet if he were asked, if in Nottingham, for instance, there were thirty persons susceptible of electioneering corruption, he should be bound to confess his belief that not merely thirty, but perhaps many more, would be willing to accept bribes offered in a proper and becoming way. But it would be monstrous to disfranchise a borough for the faults of a few. The inflicting of these pains and penalties on entire constituencies ought not to be resorted to in such cases. Neither did he recommend delay for the purposes of inquiry. If they were not to issue the writ until they could inquire next year into the imputed bribery, what vexation would be occasioned! In saying this, however, let him not be misunderstood as in any way defending corruption. The two Members who were unseated were, he firmly believed, as honourable men as ever sat in that House, and he did not, for one moment, suspect them of the foul design of going down to Ipswich with the determination of corrupting the electors. Such being his estimation of them, he felt more than ordinary indignation at the conduct of those parties who had made them their victims. He felt that his hon. Friends had been sacrificed by the wickedness of others; and he must say, that if it had been carried that his learned Friend the Attorney-general should prosecute those parties, he should, on his own part, have offered no objection to such a proposition. Upon the whole, however, seeing the warning those local corruptionists had received—seeing that there were but twelve persons whose conduct was impugned, and that the public would scarcely admit that the rights of 1,500 should be sacrificed for the faults of those twelve, and seeing, too, that the chairman of the committee himself was not prepared, as he understood, to vote for the suspension of the writ,—he could not consent to defeat the writ by taking the course proposed, and he should, therefore, vote for the original motion, under the conviction that the writ ought to be issued. Another consideration which induced him so to vote was, that he firmly believed, after the experience and the warning the public had had, no candidate would again trust himself in Ipswich without the most distinct understanding that freedom of election should be preserved. The last election was, decidedly, more pure than most of its precursors. Subsequent proceedings would have operated as a salutary lesson, and it was, he repeated, his firm belief that they would shortly be found to have had their full and beneficial effect.

Mr. *Tufnell* said, that having been for a short time one of the representatives of this unfortunate town, he might, perhaps, be permitted to express his belief that a more honourable and upright set of men than the majority of the electors on both sides did not exist in any constituency. The fault of Ipswich was that there was a small body of corrupt electors, unfortunately sufficient to turn the scale, and unless some of them were disfranchised, he greatly feared that they would be as distant from purity of election in Ipswich as ever they were.

The House divided on the question that the words proposed to be left out stand part of the question:—Ayes 86; Noes 32: Majority 54.

List of the AYES.

A'Court, Capt.
Antrobus, E.
Arbuthnott, hon. H.
Arkwright, G.
Baird, W.
Baldwin, B.
Bateson, R.
Beckett, W.
Bentinck, Lord G.
Blackburne, J. I.
Blackstone, W. S.
Boldero, H. G.
Botfield, B.
Broadley, H.
Bruce, Lord E.
Burrell, Sir C. M.
Clerk, Sir G.
Cockburn, rt.hn. SirG.
Corry, right hon. H.
Damer, hon. Col.
Darby, G.
Douglas, Sir H.
Douglas, Sir C. E.
East, J. B.
Eliot, Lord
Escott, B.
Estcourt, T. G. B.
Farnham, E. B.
Fitzroy, Capt.
Fitzroy, hon. H.
Fleming, J. W.
Flower, Sir J.
Follett, Sir W. W.
Ffolliott, J.
Forbes, W.
Forester, hon. G.C.W.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt.hn.W.E.
Gordon, hon. Capt.
Gore, M.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grant, Sir A. C.
Greene, T.
Hamilton, W. J.
Harcourt, G. G.
Hardinge, rt. hn.SirH.
Hardy, J.
Henley, J. W.
Herbert, hon. S.
Hervey, Lord A.
Hodgson, R.
Hope, hon. C.
Jermyn, Earl
Jones, Capt.
Kemble, H.
Knatchbull, rt.hn.Sir E
Lefroy, A.
Lincoln, Earl of
Lowther, J. H.
Lygon, hon. Gen.
Marsham, Visct.
Masterman, J.
Meynell, Capt.
Mitchell, T. A.
Newry, Visct.
Nicholl, right hon. J.
Packe, C. W.
Peel, rt. hon. Sir R.
Peel, J.
Polhill, F.
Pollock, Sir F.
Round, J.
Somerset, Lord G.
Stanley, Lord
Stewart, J.
Stuart, H.
Sutton, hon. H. M.
Taylor, P. E.
Trench, Sir F. W.
Trotter, J.
Verner, Col.
Walter, J.
Wortley, hon. J. S.
Young, J.

TELLERS.
Fremantle, Sir T.
Pringle, A.

List of the NOES.

Aglionby, H. A.
Aldam, W.
Bowring, Dr.
Brotherton, J.
Buller, C.
Cobden, R.
Dalmeny, Lord
Duncan, G.
Ebrington, Visct.
Fitzroy, Lord C.
Gill, T.
Hume, J
Hutt, W.
Jervis, J.
Mangles, R. D.
Morris, D.
O'Brien, J.
O'Connell, M. J.
Pechell Capt.
Philips, M.
Plumridge, Capt.
Ponsonby, hon.C.F.C.
Protheroe, E.
Pryse, P.
Scholefield, J.
Smith, B.

Stewart, P. M.
Tufnell, H.
Villiers, hon. C.
Wilde, Sir T.
Williams, W.
Wood, B.

TELLERS.
Duncombe, T.
Wyse, T.

Writ ordered to be issued.

Slave Trade — Portuguese Vessels.] Sir *R. Peel* asked permission to bring in a bill without notice, under rather peculiar circumstances. A bill had been sent from the House of Lords repealing so much of the act that was passed in 1839 as enabled our ships of war to seize Portuguese vessels concerned in carrying on the slave-trade. At the time the bill was introduced the Government had the most confident expectation of receiving a ratification of the treaty lately concluded with Portugal, under which she undertook to effect that which had been the subject of former negotiation and to declare the carrying on of the slave trade to be an act of piracy. The ratification not having arrived as was expected, an act was brought in giving her Majesty in Council the power of suspending that part of the law to which he had referred; subsequently, however, the ratification of the treaty had been received; Portugal had fulfilled all her stipulations; and the bill which he now proposed, instead of giving her Majesty the power to suspend that part of the law, was to repeal it.

Leave given.

Bill brought in, read a first and second time.

Ordered to be committed.

House adjourned at half-past one o'clock.

HOUSE OF LORDS,

Tuesday, August 9, 1842.

Minutes.] Bills. *Public.*—1^{a}· Slave Trade (Portuguese Vessels); Boroughs Incorporation; Coventry Boundary.

2^{a}· Newfoundland.

Committed and Reported.—East India Bishops; Manchester, Birmingham, and Bolton Police; Ecclesiastical Corporations; Leasing Consolidated Fund; Exchequer Bills; Canada Loan; Lunatic Asylums (Ireland); Marriages (Ireland).

3^{a}· and passed:—Bribery at Elections (No. 2); Slavery (East Indies); Designs Copyright; Tobacco Regulations; Slave Trade Suppression; Militia Pay; Municipal Corporations.

Private.—Jackson's Divorce.

Petitions Presented. From Cape Town, Cape of Good Hope, for a Representative Government for that Colony. From Schoolmasters of Easter, Ross, Abertour, Lochmaben, Annan, and Glasgow, for the amelioration of their Condition.—From James Milligan, to adopt Measures for the Recovery of his Children detained at Rome.

Singing Classes.] In answer to a question from the Earl of Radnor,

The Earl of *Ripon* said, that it was not intended to make any grant of money this year in aid of the singing classes at Exeter-hall. When the Government intended to grant any aid for that purpose it would be by a specific vote.

Treaties with Portugal.] The Earl of *Aberdeen* (by command of her Majesty) laid on the Table a copy of a treaty of Commerce and Navigation between her Majesty and the Queen of Portugal, and also a copy of a treaty between the same sovereigns for the more effectual suppression of the slave-trade. It would be recollected by their Lordships, that on a former evening he had brought in a bill to enable her Majesty, by an Order in Council, to suspend the operation of so much of that treaty as related to Portuguese ships, and he on that occasion stated, that if the ratification of these two treaties could be expected to arrive before the close of the Session, he would bring in a Bill to repeal the 3rd of Victoria. The ratifications had since arrived, a bill to the effect he had just stated, had been brought up from the other House of Parliament, of which he begged to move the first reading.

Bill read a first time.

Newfoundland.] The Earl of *Ripon* moved the second reading of the Newfoundland Bill, and briefly explained its provisions.

Lord *Campbell* said, that he could not approve of the bill, although it was not his intention to offer any opposition to it. He certainly did not approve of the present constitution of Newfoundland, he thought it required amendment; but the reform ought to have been carried into effect with due deliberation, and the constituent body of the colony should have been heard upon the subject. The present constitution was perhaps of too democratic a character, but the one proposed to be established under this bill erred in the opposite direction. It appeared to him that the nominees of the Crown would completely predominate in the new assembly. The manner in which the qualification was dealt with by the bill appeared to be objectionable. The qualification was not fixed directly, but power was given to the Crown to fix it. This might be drawn into a precedent, and ought not to be sanctioned.

The Earl of *Ripon* explained that it was necessary to pursue the course objected to by the noble and learned Lord with respect to the qualification, because the constitution having been originally granted by the Crown, the Crown could not alter the qualification without the intervention of Parliament.

The Marquess of *Clanricarde* said, that he did not intend to oppose the bill, but he really must remark upon the period at which it came up to the House. He thought it strange that nobody had ever said anything respecting the feelings of the people of Newfoundland on the subject. It was the first time that the House had ever legislated on such a matter, without even the slightest inquiry as to the feelings of the people whom the measure would so particularly affect.

Bill read a second time.

House in committee on the

MARRIAGE LAW—(IRELAND).] Lord *Lyndhurst* moved that this bill be recommitted. He said he should move next Session the reappointment of the committee which sat on this subject, so that the whole question might be investigated.

Lord *Brougham* was anxious that the impression should not go abroad that this bill had any effect in preventing Presbyterian clergymen from celebrating these marriages. It merely declared the marriages which had already taken place valid.

Lord *Campbell:* Mr. Henry and Dr. Montgomery were decidedly of opinion that they had a clear right to solemnize these marriages. This bill threw a doubt on the subject by rendering such marriages legal only under the sanction of this act of Parliament.

Lord *Brougham:* The clergymen would act improperly if they solemnized these marriages after the decisions of the courts in Ireland; but this bill made no difference.

Lord *Cottenham*: This bill was intended merely to cure an existing evil of great extent; as it appeared that many persons were breaking those marriages now. As soon as the legal question was decided next Session, these marriages must be declared good or bad by Parliament. If the former, then this bill would be merely confirmed. If the latter, then he apprehended that the marriages legalised by this act would be still pronounced good.

Bill went through committee.

House adjourned.

HOUSE OF COMMONS,

Tuesday, August 9, 1842.

MINUTES.] BILLS. *Public.—Committed and Reported.*—Slave Trade (Portuguese Vessels No. 2); County Courts. *Reported.*—Insolvent Debtors.

3º. and passed:—Slave Trade (Portuguese Vessels No. 2); Coventry Boundary.

PETITIONS PRESENTED. By Col. T. Wood, from Members of British Swimming Society, for providing Swimming accommodation.—From Ipswich, Wolverhampton, Lincoln and Sunderland, for Allowances of Duty on Stock of Wine in Hand.—From Leicester, not to allow Brewers' Casks to be distrained for the Rent of their Customers.—From Ministers and Elders of Presbyterian Church, Canada, for Abolition of Church Patronage.—From Meeting of Inhabitants of London and Westminster, for the Abolition of the Spy System.—From Lambeth, for amendment of Law relating to Blasphemy.—By Mr. Cobden, from George Gill, and Joseph Bean, complaining of the Election for Nottingham.

BANKRUPT LAWS AMENDMENT.] The Bankruptcy Law Amendment Bill was reported and the amendments agreed to.

Mr. *M. Philips* said, it was his intention, in consequence of representations that had been made to him on the subject by individuals who were much interested in this measure, to move a clause, by which it should be provided, that instead of application being made for the fiat in London, in all cases, however remote from the metropolis, the Court of Bankruptcy in the country, or the place where any commissioner of bankruptcy might sit, should be deemed places where matters connected with bankruptcy, the validity of the act of bankruptcy, &c., might be inquired into, and the party declared liable to the bankrupt laws, as if a fiat in bankruptcy had issued against him. This would save a great deal of expense and delay, which was unavoidable, when the application for the fiat must be made in London. The hon. Member moved the following clause—

"That it shall not be necessary to strike a docket, or sue out or prosecute any fiat in bankruptcy against any person subject to the bankrupt laws, to authorize the Court of Bankruptcy, or any commissioner thereof, to hear evidence and proceed to adjudge any person so liable a bankrupt, but it shall be lawful for such court or commissioner to proceed to hear evidence, and adjudge and declare any person liable to the bankrupt laws a bankrupt in the same way and manner as though a fiat in bankruptcy had been issued against such person."

Clause read a first time.

On the question that it be read a second time,

The *Solicitor-General* said, the process was regulated by a former act of Parliament, and could not be altered by the clause proposed by the hon. Member. If they did away with the clause pointed out by the hon. Member, and permitted by this new clause the commissioners in the country to proceed at once with cases of bankruptcy, very great irregularities might take place. There would be no one authority having a controlling power, as at present, over these proceedings. The benefit that was derived from some one responsible party taking the initiatory in such proceedings was manifest; but if the clause of the hon. Member were agreed to, there would be an end to that controlling authority, and various applications might be made in bankruptcy cases in every part of the country without the knowledge of those who were most interested in them. Upon reflection, the hon. Member would perceive that the alteration which he proposed would not be useful either in lessening the expense or in avoiding delay.

Sir *T. Wilde* said, the object of the proposed clause was two-fold—to avoid delay, and to diminish expense in bankruptcy cases. Formerly 1*l.* was paid to each of three commissioners at each meeting, and 1*l.* on executing the commission. In the country an additional fee was given, and pretty generally, until lately, travelling expenses were paid. The first alteration of the bankrupt laws annihilated these fees in London, and, in lieu of them, a salary was granted, which was paid by the public. It was afterwards thought right that the public should not bear the expense, and the estate was charged with it. That which was formerly payable by the public was now discontinued. The question then was whether it were proper that this sum should be paid by persons availing themselves of the law, and who as part of the public, had been relieved from the expenses formerly incurred? Whether the fiat was sued out in town or country, the question remained the same. In either case the estate could not be relieved from this charge; and he did not think it was at all unjust that a small fund should be appropriated out of the estate to meet those expenses, whether the fiat was sued out in London or in the country. Now, what was the fiat? It was a supposed consent to an application to declare an individual bankrupt, which was regularly entered in a book, to which access might easily be had. Surely such an important proceeding, which stripped a man of all control over his property, should not be effected in secret. It ought not to take place in an inn before a country commissioner, as might be the case, if this clause were agreed to. How, then, with reference to publicity, could a more proper place be found than London for issuing a fiat, declaring a trader bankrupt? It was certainly the most accessible point—the point where information was most easily attainable—for all parties. He was sorry to hear that the bond, in cases of fiat, was to be dispensed with. When a charge was made against a man—a charge of insolvency—by which, if it were unfounded, he might be ruined, surely something in the way of security should be exacted from the individual who initiated such a proceeding, in order to render parties cautious. Therefore it was proposed that a bond of 200*l.* should be demanded, and the person applying for a fiat was bound in that sum to prove an act of bankruptcy against him whom he sought to deprive of all control over his property. Such a provision ought not, in his opinion, to have been abandoned. As to the delay which was to be avoided, it was only the delay of posting up and posting down. Any individual might leave that House, and in the course of two hours initiate proceedings in bankruptcy, which could be speedily be transmitted to any part of the country. The balance of inconvenience which a few individuals might be exposed to was nothing when weighed against the inconvenience which the public generally would sustain, if they were deprived of those means of information with respect to bankruptcy cases which they now possessed, in consequence of the initiatory process being restricted to London. In London, the different cases were entered in a book, from which all who made inquiry received the necessary information, and learned at once who were bankrupts. It was, he concived, absolutely necessary that a public record should be kept, in the most accessible place in the kingdom, of all initiatory processes in cases of bankruptcy. There was no necessity for such a clause, either with reference to delay or to expense.

Mr. *M. Philips* begged leave, after what had fallen from the Solicitor-general and the hon. and learned Member for Worcester, he would not press the clause.

Second reading negatived. Report with amendments adopted.

Bill to be read a third time.

County Courts.] On the order of

the day for going into committee on the County Courts Bill,

Sir *J. Graham* said, after the great time which had been consumed by the discussion on the Bankruptcy Law Amendment Bill, however anxious he might be to bring this measure on in the present Session, he did not think he would be acting in conformity with the opinions expressed upon it by both sides of the House if he persisted in passing it this Session. He attached the greatest importance to the measure, and entertained very strong opinions of the great advantage its provisions would have in circulating justice through the country from Westminster-hall and back again. There would be the utmost advantage in the arrangements which secured that judges in the local Courts should not be resident, but should go circuit, and be practically acquainted with the law as administered in Westminster-hall. He hoped it would be his fortune, at a future Session, and at a very early period of it, to bring this measure before the House. It was a bill of great interest to the community at large, and he abandoned it for the present Session with the greatest reluctance. It had come down from the Lords, on the sanction of, if not the undivided opinion of, the great legal authorities in that House, and the majority of their Lordships. It had been thought necessary to postpone it to the Bankruptcy Bill, which was considered of more immediate importance to be pressed; and even though this bill had come down from the other House at an earlier period of the Session, it would have been impossible to have brought it forward sooner than it had been. He (Sir J. Graham) had lost no opportunity to push it through its stages, and he hoped the House would acquit him of any negligence with respect to it. He now yielded to the wish expressed by both sides of the House, and he should move that the bill be committed *pro formâ*, for the purpose of making amendments according to the rules of the House, and of circulating it through the country during the recess in the precise form in which it would be proposed in the early part of next Session by the Government.

Mr. *C. Buller* said, that this bill had been sent down to that House from the Lords at too late a period of the Session to give it that consideration which it required, and in its present shape it could never produce the advantages for which it was intended in the administration of justice. The bill professed, as the right hon. Baronet had stated, to give facilities for the circulation of justice throughout the country from the great fountain of Westminster-hall, but the machinery of the measure was not at all calculated to attain that end. He did not blame the right hon. Baronet for the delay in sending down the bill; that rested elsewhere; but it would be impossible, at this period of the Session, to consider the alterations and amendments that would be required to make it a useful working measure.

Mr. *Jervis* said, that one great defect in the bill was, that it left altogether untouched the 300 Courts of Requests thoughout the country, in which the mode of dispensing what was called justice was of the worst description. The measure ought to have been a universal one, and the Government were bound to engraft upon the present bill, provisions that would extend over the whole country. Another great objection to the bill was, that it prevented the employment of advocates by the parties to a suit. Now this was most unjust, and could not fail to work injustice. Suppose a gentleman in the country, who might have been a practitioner at the bar, one of the parties, he as a practised advocate could plead his own cause against an unlearned person, probably his opponent. What chance could the latter have in impressing his case upon the jury, unless he were permitted to employ an advocate. Upon this ground, if there were no other, the bill was so defective that it was impossible for the House to adopt it.

Mr. *Bernal* said, that the state in which the bill had been sent down to that House from the House of Lords, was as much to be complained of as the late period of the Session at which it had been suffered to come before them. The present bill was even more imperfect than the Bankruptcy Bill; and it would be impossible to give to it the consideration it required in the time that remained of the Session.

Mr. *T. Duncombe* said, that no measure of this nature could ever give satisfaction so long as the county court of Middlesex was exempted from its operation. That court, at the head of which was Mr. Sergeant Heath and his son, was one sink of iniquity, oppression, tyranny, injustice, and extortion. By the returns made from that court, it appeared that Mr. Sergeant Heath derived 5,530*l.* a-year from fees collected from the vice and misery of the very dregs of society in this metropolitan county, and that thousands of shoeless wretches were annually sent to Whitecross-street prison under its decrees. In the year 1838, no less than 25,961 summonses were issued from this court, of which 15,000 were heard, and not unfrequently 300 cases were disposed of in as many minutes. These facts were proved in evidence before a committee of that House in 1838. It was impossible that justice could be administered under such a system, or so long as such an extortion of fees was permitted. Poor wretches were sued in this court for sums varying from 1*s.* to 40*s.*, and in default of payment were sent for three months to Whitecross-street prison. It was the bounden duty of the Government to call the attention of Parliament to the state of this court in the next Session, so that any measure proposed should include this sink of iniquity.

Sir *T. Wilde* said, that having already expressed his opinion of the bill, he merely rose to say a word in behalf of Mr. Sergeant Heath, who had been charged by the hon. Gentleman who had just spoken with such improper conduct. It must surely be seen by the hon. Member that Sergeant Heath had done no more, and could do no more, than was his duty as the judge of the court. If parties applied for summonses, the judge must grant them, and if the proceedings were followed up, the law must take its course in that court as in all others. As well might his hon. Friend find fault with the judge of any court in Westminster-hall for carrying the law into effect in the regular course. He must say, that his hon. Friend was bound to be more particular in making charges of so severe a nature. A general accusation of this sort was not fair, and he was sorry his hon. Friend had attacked the character of a respectable Gentleman as he had done, without producing any one single specific charge to warrant that attack. Sergeant Heath had always borne the character of an honourable man, and acted as such, and he (Sir T. Wilde) was happy that his hon. Friend was not able to produce a single fact derogatory to that Gentleman's character for the upwards of twenty years that he presided in that court.

Mr. *T. Duncombe,* in explanation, said that the statements he had made were founded on the evidence taken before the committee that sat up stairs upon the subject in 1838. Then all the facts he asserted were proved, and it appeared also that Sergeant Heath, who derived such a large income from this court, never sat there at all, but acted by his deputy, a Mr. Dubois, who conducted the whole of the business of the court, where 300 causes were often disposed of in the same number of minutes.

The *Attorney-General* said, that the hon. Member for Finsbury, in the commencement of his observations, mentioned Sergeant Heath and his son as presiding in the court, but had since confined them to Sergeant Heath himself, against whom the hon. Member had made very serious charges. He wished that the report of the committee had been printed, and in the hands of Members, and it would be found that it did not warrant those charges. The hon. Member was bound to be more specific in his accusations. Sergeant Heath had all through life shown himself an honourable, able, and learned man, and in every respect unobjectionable. Mr. Dubois also was a very superior man, far above the station he filled, possessed of great talent, and esteemed by all who knew him in private life. He (the Attorney-general) thought, that the hon. Member, after the statement he had made, was himself bound to move, that the evidence and report of the committee be printed.

Mr. *M. Philips* said, that in no part of the country could the administration of justice in these small courts be worse than in Manchester. He had received a number of letters, praying that something might be done to remedy the evil. The poorest class of the people were the most dreadful sufferers by having actions brought against them for 6*d.* and 1*s.*

Mr. *Villiers* said, that the present bill, imperfect even as it was, would prove a great improvement on the existing state of those courts, and he regretted that it had been sent down to that House at a period of the Session that rendered it impossible to pass it. He regretted this the more because he was sure that in the next Session there would be so much opposition given to it by parties interested, that it would never be suffered to pass.

Captain *Pechell* said, he knew many instances where the present county courts were found to work very well, and where the administration of justice was so satisfactory to the suitors that no alteration was wished for.

Bill passed through committee *pro forma,* reported to the House. To be further considered in two months. Bill as amended to be printed.

Forged Exchequer Bills.] Mr. *C. Buller* wished to ask the right hon. Gentleman the Chancellor of the Exchequer what course the Government intended to take with respect to the different classes of owners of Exchequer-bills, whose cases had been stated in the report of the commissioners appointed to investigate the subject.

The *Chancellor of the Exchequer* said, that since the hon. Gentleman had last asked him this question, he had devoted the few hours which he had been enabled to spare from his duties in that House, and from his official duties, to a cursory perusal of that report, and of the evidence upon which it was founded. The result of that cursory perusal was to produce upon his mind a general impression; in fact, he felt, on the consideration of the circumstances stated in that report, that undoubtedly there existed an equitable claim on the part of some of the holders of these Exchequer-bills, on the consideration of the Government; and it would be the duty of the responsible advisers of the Crown to submit to the House such measures as they might think necessary to afford relief to such persons as might be entitled to their consideration. There were other parties to whose cases further consideration must be given, and it was evident that there was a considerable difference between the several cases which had been investigated by the committee. He felt that the Government was not, at the present moment, in a situation to give the House a definite idea of the course which it might be requisite to pursue. He was the only Member of the Government who had read the report. It had only been placed in the hands of the Members of the House that day, and he doubted, in fact he felt assured, that no Member of that House could have considered the subject with a sufficient degree of attention to be enabled to form a correct judgment with regard to its contents. The question was of considerable importance, and could not be decided without the House being fully masters of the report and the evidence, although he should have been glad if the report had been presented in time for the House to have made a final settlement of the question this Session. Yet, considering the present state of public business, considering the situation in which they then stood, the Committee of Supply having closed, he had to regret that during the present Session it was impossible the House could take that report into its consideration with the prospect of any beneficial result to the parties concerned, or with justice to the public interest. He begged leave, however, to say that he did not mean to cast any blame on the commissioners, who had conducted their inquiry with the utmost diligence, and investigated the transaction in the way best calculated to throw light upon it. It was not his intention in any arrangement that might be made to stand upon any technical point, in order to avoid giving the subject a fair consideration; but, on the other hand, the Government would require that any claim should be strictly investigated.

Mr. *C. Buller* said, that the answer of the right hon. Gentleman was certainly explicit; but at the same time it would be very unsatisfactory to those whose fortunes depended on the course the Government might take upon the subject. He did not know on whom the blame of the delay which had occurred should be cast. But he knew that the sufferers were deeply interested in the matter, and he therefore would avail himself of any opportunity which might arise in the course of the evening of submitting the question to the House.

Commutation of Sentence.] Mr. *Hume* rose for the purpose of asking a question of the right hon. Baronet the Secretary for the Home Department, in relation to a case which was at that moment occupying much public attention. It appeared by the report, that a gentleman of the name of Johnston had been indicted, tried, and found guilty of an indecent assault on a young woman living as a servant in the house in which the gentleman who committed the assault occupied chambers. Mr. Johnston was found guilty of the assault, and was sentenced to three months' imprisonment. That gentleman had since been set at large on the payment of 30*l.* He wished to be informed by the right hon. Baronet what had been suggested to him since the trial, to induce him to commute the sentence.

Sir *J. Graham* expressed his obligations to the hon. Member for Montrose for his courtesy in giving him (Sir J. Graham) notice of his intention to ask a question in relation to this case, as well as for bringing the matter under his notice. He thought that the question was one well worthy of reply, in order to vindicate the impartial administration of justice. The case was first brought under his notice by a gentleman who held the office of Under-Secretary of State, Mr. Phillipps, a gentleman in every way qualified to give an opinion and advice on the subject. After the first representation of the case to him, considering Mr. Johnston's education and superior condition of life, and all the circumstances connected with the transaction, he (Sir J. Graham) felt great hesitation in acting, and doubted the propriety of entertaining any proposal for a remission of the sentence. Entertaining these doubts, he referred the case back to Mr. Serjeant Adams, before whom the case was tried, for his opinion. The best course for him to pursue was to refer to the statement made by Mr. Serjeant Adams, on which he acted. The allegation made against this gentleman were, that he had made a violent assault upon a female whom he found in his chambers, and that the assault was committed with criminal intentions. That was the indictment against Mr. Johnston. He was tried and found guilty of the assault. Mr. Serjeant Adams tried the case, and after the trial circumstances came to the knowledge of Mr. Serjeant Adams which made him doubt whether the case had been properly brought before the court. As he hesitated in taking any step in the matter, he referred the case to Mr. Serjeant Adams for his consideration and opinion, and the letter which it was his intention to read to the House was from Mr. Serjeant Adams to him, and which communication had induced him (Sir J. Graham) to commute the sentence, the party having already been imprisoned for a period of seven days. The sentence was remitted on the payment of a fine of 30*l.* to the Crown:—

"*No.* 1, *Serjeants'-inn, July* 20.

"Sir,—In reference to your communication respecting J. C. Johnston, I beg to inform you that I have conferred with the police magistrate, Mr. Maltby, and examined E. Richardson, referred to in Mr. H. Johnston's letter. I enclose her examination, by which it appears that she does not confirm in some important particulars the statement therein made, and it does not appear that the prosecutrix at any time charged Mr. Johnston with beating her with a stick, or an attempt to violate her person, but only to take indecent liberties.

"There can be no doubt that the prosecutrix from the first complained that defendant threw her on the sofa, but the witnesses did not think she meant thereby to accuse him of an attempt to take indecent liberties, because of their knowledge of his irritable temper, and the great dislike he had expressed of the prosecutrix.

"The universal impression in court from the line of defence taken, the demeanour of the witnesses, and the testimony they gave, was that he had used the woman extremely ill, had taken grossly indecent liberties with her, and that he had brought forward the porter and his wife unjustly to assail her character and falsify her testimony, in which attempt they had failed.

"I do not hesitate to say, from my conference with Mr. Maltby, and the evidence now before me, that such impression was erroneous. and that there is not any reason to believe that the defendant intended to take any indecent liberty with her.

"The real state of the case I believe to be as follows:—That Mr. Johnston is an irritable man, particularly harsh with servants, and having taken a strong dislike to the prosecutrix, and coming into his room and finding her there at a later hour than he expected, he angrily and sharply struck her on the back and desired her to leave the room, that she refused to do so, and that he then seized her by both her arms (which it is not denied were seriously pinched and bruised) and entered into a most unseemly contest with her, pulling her and dragging her about the room, on the sofa, &c., until he bruised and hurt her, she resisting his endeavours to remove her.

"The Court would not undoubtedly have visited this offence with imprisonment for three calendar months. I think they would not have imprisoned the defendant at all, but have inflicted upon him a serious fine, such a fine as a gentleman of large fortune who so forgets himself and strikes and attacks a female ought to pay; but the sentence having been passed, I do not think the justice of the case would be met by an immediate discharge, unless accompanied by some fine, and I would recommend that he be discharged from custody at the expiration of one calendar month of the term, unless an immediate discharge with a fine of 20*l.* or 30*l.*, could be substituted. I have the honour to be, Sir, your obedient servant,

"John Adams."

"The Right Hon. Sir J. Graham, Bart., &c."

He had received other letters and documents relative to the case, but he did not think it necessary to read them to the House. He had received information in consequence of his inquiries which had quite satisfied him as to the character of the prosecutrix; but, under all the circumstances, considering that the assault was not committed with any criminal intent—that the party had suffered one week's imprisonment, and acting upon the advice of the judge who tried the case, he had thought it consistent with his duty to commute the punishment for a fine of 30*l.* He did think the question an extremely proper one, and he had no hesitation whatever in laying before the House the whole of the circumstances under which he had acted in the case.

MONUMENTS TO NAVAL OFFICERS.] On the motion of Sir R. Peel the Order of the Day for a committee on Public Monuments was read, and the several entries on the Journals of the House, dated respectively February 3, 1817, October 30, 1801, March 24, 1803, September 26, 1799, and February 16, 1801, giving the thanks of the House to Lord Exmouth, Sir James Saumarez, and Sir Sydney Smith, were also read. The House resolved itself into committee.

Sir *Robert Peel* rose to submit the motion of which he had given notice, for an address to her Majesty, praying that she would be graciously pleased to give directions for the erection of three monuments to three distinguished naval officers of this country now no more— Lord Exmouth, Lord Saumarez, and Sir Sydney Smith. The only embarrassment which he (Sir Robert Peel) felt in the performance of this duty was, that of making a selection and discrimination amongst the claims which, on a review of the naval services of this country, were presented for public consideration. It was impossible to review the devotion to the public service—the gallant exertions which had been made for the defence of the country, and for the vindication of its honour, by the officers employed in the navy, without feeling the highest admiration of their service, and the deepest gratitude for the manner in which it was performed. If, by a proposition of this kind, he thought it could be supposed that he implied any reflection upon those distinguished naval officers whom he did not propose to honour by similar records of public gratitude, he should feel the greatest pain and embarrassment. It was, however, always necessary in cases of this kind to make a selection and discrimination. Being impossible to commemorate the services of all who did well, it yet became a public duty to do honour to the memory of those who had most distinguished themselves; and when he considered the especial claims of the three great naval officers whom he had mentioned, he thought he should be enabled to show that in each of their cases there was good ground for the distinction which he now proposed to confer upon their memory. It was impossible to over-state the wholesome effect upon the different branches of the public service of these acknowledgments of public gratitude for distinguished actions. He could not witness, without the highest satisfaction the feeling of enthusiasm which was the other evening displayed by the gallant Commodore (Sir C. Napier), himself a great ornament to the naval profession, when this subject was first mentioned, and when an hon. Member on the opposite side of the House intimated objections, or doubts, at least, as to the policy of erecting monuments for the commemoration of the distinguished service of individuals. It was impossible to witness the generous enthusiasm which the gallant Commodore displayed—impossible to remember how much he had done to distinguish himself in the service of his country, and not at the same time to perceive what the effect upon the gallantry and exertion of public servants must be, when they found that their services were remembered, marked, and honoured by a grateful country. This was the cheap defence of nations. With reference to two of the three officers whom he had named, it was necessary only to mention two of the exploits which they had performed, to show that they were fully worthy of the honour he proposed to confer upon their memory. It was impossible to recal to one's mind the gallant defence of Acre, and the capture of Algiers, without feeling it almost unnecessary to say a single word in honour of the men by whom those services were performed. In the case of Sir Sydney Smith, although the force employed was inconsiderable, yet he doubted whether in the history of the world a more important service was ever performed. With a force at his command consisting only of drafts from the crews of two ships of the line, garrisoning the town of Acre, which at the time of his first occupation of it had not one single gun mounted upon its walls on the land side of the fortifications, Sir Sydney Smith, inspiring his little band with the spirit of his own valour, was enabled to baffle all the efforts of the greatest military commander of the time, with an army of 17,000 veteran troops at his back. The best testimony that could be borne to the value and importance of this great service, would be found in the cotemporary history of the period. The name of Sir Sydney Smith was mentioned in the speech from the Throne, and when a vote of thanks was proposed to him, then only a Captain in the naval service. On September 26, 1799, Lord Melville, then Mr. Dundas, spoke of him in these terms:—

"In speaking upon this subject, he really felt himself at a loss for terms to express his sentiments upon the conduct of that officer. It was impossible for a human individual to conceive a situation of more difficulty and delicacy than that in which Sir S. Smith was placed; and yet, in this situation, he had brought off a very small remnant of force, not by a well-conducted retreat, but with glory, against the whole power of the French at St. Jean d'Acre. It was now about twelve months since the intelligence arrived of the landing of that army on the coast of Egypt, and what the general feeling in this country was upon that occasion must be fresh in every man's mind. After many difficulties, the force of the enemy was collected for the purpose of making an attack upon St. Jean d'Acre, garrisoned by a small number of Turks, and assisted by a handful of British troops. Nothing could exceed the importance of this contest; they had, as Sir Sydney Smith had stated, a nation for spectators, who waited the issue of the conflict, in order to determine which party they should join. He did not in his opinion, say too much, when he said that he believed that the safety of the Turkish empire depended upon the event of that contest. He animated the Turkish forces by his conduct, and directed them with his skill. He fought at the head of a few British seamen for more than sixty days in succession, in defending a breach against the whole French force, headed by an enterprising general. He freely confessed that he had not got over the astonishment he felt when he was first informed of these circumstances; he had read the dispatches again and again; he had frequently ruminated upon them, and to this moment he could scarcely conceive how human exertion could achieve what he had done. This gallant officer had in the course of his life met with many difficulties, and there was a time when some persons who did not know him talked lightly of him. To those who could talk or think so of such an officer as Sir Sydney Smith, he would say nothing; he would leave them to the contempt they deserved, and to the remorse they must now feel in contemplating the character of that officer. He would not say that his actions on the coast of Egypt were unrivalled, but he would say that there never were any in which there were displayed more heroism, more skill, and greater exertion."

Shortly afterwards his Majesty sent a message to the House of Commons, recommending Sir Sidney Smith for a pension of 1,000*l.* per annum. He (Sir R. Peel) proceeded from the claims of Sir Sidney Smith to the services which had been rendered by Lord de Saumarez. They were, perhaps, less familiar to the public mind than the services of Lord Exmouth and Sir Sidney Smith, but still they were services that ought to be held in the highest estimation. Every one in that House would be sufficiently familiar with the naval annals of the country to recollect that in July, 1801, Lord de Saumarez attempted to cut out three sail-of-the-line under the batteries of Algesiras with a superior force. In that attempt he failed. He met with a reverse; having six sail-of-the-line under his command, he lost one of them. He retired discomfited, but not defeated. Within three days he repaired the shattered condition of his fleet, returned to Algesiras, attacked the combined French and Spanish fleet of ten sail-of-the-line, blew up two three-deckers, captured another, and allowed the remainder to escape only with great difficulty. That was the result of Lord de Saumarez's second action. The public thanks were given to Lord de Saumarez on that occasion, and he begged to call the attention of the House to the terms in which the greatest naval commander of this or any other country spoke with respect to the conduct of Lord de Saumarez. In the House of Lords, the vote of thanks was proposed by Earl St. Vincent, who spoke in the most glowing terms of the services of Lord de Saumarez. He was followed by Lord Nelson, who, speaking of the two battles at Algesiras, said, "that a greater or more gallant action had never been fought than that of Sir James Saumarez, and that the promptness and spirit with which he had attacked a superior force, could not be surpassed." He was particularly struck with the letter written by Sir James Saumarez, in answer to that vote of thanks. After acknowledging with the utmost gratitude the thanks of the House, he stated, that on four former occasions he had been honoured with the thanks of their Lordships; having been in command of a line-of-battle ship in four different general actions—in Lord Rodney's action—in the action of the Earl St. Vincent—in Lord Bridport's action, and in Lord Nelson's action of the Nile. On five different occasions, therefore, had Sir

James Saumarez received the thanks of Parliament for his conduct in five great actions. The last case to which he had to call the attention of the House was the case of Lord Exmouth, and here, as in the case of Sir Sydney Smith, it was only necessary for him to refer to what Lord Exmouth had accomplished. When he mentioned the siege of Algiers he thought he need say no more. He had referred to the testimony of gallant officers in the case of Sir James Saumarez, and he had also referred to the testimony of naval officers in the case of Sir Sydney Smith, and he could not help referring with a feeling of satisfaction to the testimony borne by an officer who certainly stood as highly distinguished in the naval service of this country to the merits of Lord Exmouth. The Earl of Dundonald, then Lord Cochrane, in speaking of the conduct of Lord Exmouth, said, that he deserved all the praises which he had received, that the attack was a noble achievement, and that he had never heard of a more gallant exploit than that in which Lord Exmouth led his ships against the Algerine hulks. To him there was something refreshing in the way in which one gallant officer had borne testimony to the services of another; he had read the testimony of Lord Nelson and of Lord Cochrane, and he thought the House would agree with him in thinking, that it was an eloquent testimony of the merits of their competitors. With respect to Lord Exmouth, his life had been one continued course of distinction in the naval service; the very day on which he fought the battle of Algiers, Lord Exmouth had completed a public service of forty years. He began his service in 1776; at the commencement of the American war he commanded the Spartan, and he began his career in a way prophetic of his future renown. The First Lord of the Admiralty addressed a letter to him approving of his services as a midshipman on board of a sloop of war on Lake Champlain, and stating that he would take the first opportunity to promote him, in consequence of his gallant conduct on the lakes during the American war; he was raised to the rank of a lieutenant, but at the time that letter was addressed to him, he had not attained the age of nineteen. Reflecting, then, on the life of Lord Exmouth—on the gallantry he constantly displayed in action—on his long services to this country—not merely in the destruction of human life, but in saving it—reflecting also on the energy of his character, and on that which he, perhaps, ought not now to allude to—his private virtues—he thought it would be impossible to find any man who had a greater claim on the gratitude of the public than Lord Exmouth had. Those were the three cases to which he wished to call the attention of the House, for the purpose of having the services of these individuals acknowledged by some public record. He had already stated that the late Government had inquired into the claims of the different naval officers, and they had thought proper to confine the selection to the three individuals named. He also had made inquiry, and he must say that the discrimination exercised by the late Government was a wise one, and it was in consequence of his own judgment coinciding with theirs that he now brought forward the propositions. It would not be necessary to ask for a large grant of money. The value of such monuments did not altogether consist in their being splendid works of art; it consisted in the incription on the monument, recording the services of the individual to whom it was erected, and stimulating others to similar exertions. He trusted, at the same time, that works of this kind might be made subservient, by a proper selection of artists, to the encouragement of art; but he was sure that the House would not consider it necessary to erect monuments of an expensive kind. On the contrary, he thought the public would more readily acknowledge the merits of these individuals, if they found that their monuments had cost a moderate sum, and he therefore trusted the House would cheerfully and unanimously consent to the motion proposed. The hon. Member for Lambeth had given notice of what he would not call an amendment to the motion, but of an addition to it. The hon. Gentleman intended to take the present opportunity of inviting the House to take into consideration the services rendered to humanity by eminent men in science. He hoped the hon. Gentleman would not press that amendment. The subject was one which deserved their serious consideration, but in his opinion it should stand alone, for it would diminish the compliment to the great luminaries of science if the motion should appear to follow as a mere appendage to that with regard to military or naval merit. The hon. Gentleman had selected three distinguished names, but if monuments were to be erected to men of science, he would infinitely prefer any motion to that effect to stand alone, a d upon its own merits. He begged, however, to be understood as pronouncing no opinion adverse to the proposition brought forward by the hon. Member opposite. Much might be said in favour of erecting monuments not merely to men eminent in civil or political life, but also to those eminent scientific and literary men who had deserved well of the public.

"Quisque sui memores alias fecere merendo."

But, though he did not say that all such benefactors of humanity were entitled to the gratitude of the public, he nevertheless thought that any proposal for a monument to them should not be connected with a motion like the present. He trusted, therefore, that the hon. Member, in order that he might give an additional value to the subject, would withdraw his motion for the present, and take another opportunity of bringing it forward on its own intrinsic merits, for he felt sure that the hon. Gentleman would best consult the interests of science if he should take that course, rather than make such a motion by way of amendment to another. The subject of these naval monuments had been before the House for two Sessions; the justice of the principle, and the discrimination made, had been taken into consideration by two distinct Governments; and when the hon. Gentleman now proposed to add the names of Herschel, Watt, and Davy, he ought to recollect that a spontaneous burst of gratitude had raised to one of these individuals a more splendid monument—more splendid if they estimated splendour by popularity —than those which they proposed to raise to commemorate the merits of these three individuals he had named. But should the House adopt the principle contended for by the hon. Gentleman opposite, it was of the utmost consequence that a proper selection should be made; and under all these circumstances he trusted the hon. Gentleman would withdraw his amendment, in order that the House might give its unanimous consent to the proposition which he had made, and reserve for their future consideration the claims of those of whom the hon. Gentleman stood forward as the advocate. He thought the three officers he had named had peculiar claims on the House for a recognition of their services, and he did not think that the House, by consenting to the present proposal, would be showing any indifference to the claim which scientific men had upon the gratitude of the country. The right hon. Baronet concluded by moving the first of the three following resolutions:—

"1. *Resolved,* That an humble address be presented to her Majesty, that her Majesty would be graciously pleased to give directions that a monument be erected to the memory of Admiral Lord Viscount Exmouth, in the Cathedral Church of St. Paul's, with an inscription expressive of the public sense of his great and meritorious services, in the course of a long and distinguished life; and in particular, of his able and gallant conduct in the successful and decisive attack on the batteries and naval force of Algiers, on the 27th of August, 1816; and to assure her Majesty that this House will make good the expenses attending the same,

"2. *Resolved,* That an humble address be presented to her Majesty, that her Majesty would be graciously pleased to give directions that a monument be erected to the memory of Admiral Lord de Saumarez, with an inscription expressive of the public sense of his great and meritorious services, in the course of a long and distinguished life; and particularly of the valour, promptitude, and ability which he displayed, in successfully attacking a superior squadron of French and Spanish ships in the Streights of Gibraltar, on the 12th and 13th days of July, 1801: and to assure her Majesty that this House will make good the expenses attending the same.

"3. *Resolved,* That an humble address be presented to her Majesty, that her Majesty would be graciously pleased to give directions that a monument be erected to the memory of Admiral Sir Sydney Smith, with an inscription expressive of the public sense of his great and meritorious services, in the course of a long and distinguished life; and in particular, of the valour and ability which he displayed during the whole period of the important operations, with the conduct of which he was intrusted, on the coast of Egypt; and especially in the gallant and heroic defence of the fortress of Acre; and to assure her Majesty that this House will make good the expenses attending the same."

Mr. *Hawes* assured the right hon. Baronet that he had no wish, by the amendment of which he had given notice, to disparage the honour or glory of those services which had been rendered to the country by the gallant men referred to in the motion of the right hon. Gentleman. He had, however, felt—in common, he believed, with hon. Gentlemen on both sides of the House—that while gorgeous monuments had, from time to time, been erected to the memory of military and naval heroes, they had overlooked the claims of those who had rendered most important services to the country, though those services might be less striking and brilliant than those of a naval or military character. If he thought that the amendment of which he had given notice tended in any degree to dim the lustre which justly distinguished the names of those gallant men to whom the right hon. Baronet had alluded, he would at once defer to the opinion expressed by the right hon. Gentleman, and bring forward on a future occasion the motion of which he had given notice. The right hon. Baronet had said that some principle of selection ought to be adopted with regard to those to whom it was proposed to erect monuments at the public expense. He (Mr. Hawes) conceived he had adopted a fair principle of selection,—one most intelligible and justifiable; for he had selected three cotemporaries of Lord de Saumarez, Lord Exmouth, and Sir Sydney Smith, who were distinguished for important scientific discoveries, which had been productive of great practical benefits to the country. The right hon. Gentleman had said that these monuments were the cheap defence of nations—that they afforded a stimulus to noble deeds. He conceived, on the other hand, that if they adopted a course which would stimulate men to emulate the deeds of Herschell, of Watt, and of Davy, they achieved for this country the highest glory among all the nations of the world. He thought by associating the names of the eminent men to whom his motion referred with the names of the gallant officers to whom the right hon. Baronet had alluded, those gallant men were placed in a higher position, for they might be regarded as benefactors to their species. After what had fallen, however, from the right hon. Baronet, he should pause before he pressed the motion of which he had given notice. If the right hon. Gentleman had gone rather further than he had done—if the right hon. Gentleman had said that, regarding this as a question of considerable importance, he would consider during the recess whether, as First Minister of the Crown, he could agree to the suggestion, he should have been perfectly willing to leave the consideration of the matter and the selection of names in the hands of the right hon. Baronet. When he referred to the list of names of those persons to whom public monuments had been erected, he was surprised to find how small a proportion of the public money had been devoted to commemorate the services of scientific men and of civil officers. He found that out of a sum of 132,000*l.* which had been devoted to the erection of public monuments, only 14,000*l.* had been appropriated to the commemoration of civil services. Out of forty public monuments which had been erected, four only could be considered as monuments for civil services. The first was that in memory of Lord Chatham, the next was that to William Pitt, the third was that erected to Mr. Spencer Perceval, and the fourth that to Captain Cook. He had placed the name of Captain Cook in the list because he conceived the services of that gentleman were of a scientific character. He should have felt much gratified had this list included the names of other distinguished men who were eminent for their scientific services. He might have mentioned the names of other individuals besides those to whom the motion of which he had given notice referred; but he had selected the names of men who were cotemporaries of the gallant officers to whom the right hon. Baronet had alluded, and who were distinguished for great and original scientific discoveries. Dr. Herschell had added to our knowledge nearly one half of the solar system; Watt, he thought, might be regarded not merely as the improver of the steam-engine, but as the originator of many most important improvements; he might be considered almost in the light of an original inventor, and entitled to the especial gratitude of the country; and with respect to the important discoveries of Davy, but one opinion was entertained throughout Europe. He might have cited to the House many laudatory opinions from the works of foreign authors as to the discoveries of this eminent man. He was not, however, insensible to the concessions which had been made—or rather, to the coincidence of opinion which had been manifested—by the right hon. Gentleman opposite. He was, therefore, inclined to leave the subject in the hands of the right hon. Baronet, than whom no one was more competent to deal with the question, and to select the names of the individuals whose memories it was proposed to honour.

Sir *R. Inglis* considered that his right hon. Friend had done himself honour by proposing this motion. He concurred in the observations of his right hon. Friend, and he had no doubt that the assent of the House would be cordially given to the proposition. He must, however, be allowed to express his regret that the right hon. Gentleman had determined, by his resolution, the place in which the monuments should be erected. He knew the value which was attached to the distinction of a public funeral, or to the erection of a public monument, in one of the great cathedrals of this country; but he thought it would have been better had the right hon. Baronet reserved for future consideration the determination of he place in which the monuments to the gallant officers named in his motion should be erected. Various suggestions were made to the committees on national monuments and on the fine arts with respect to the erection of monuments to eminent men. In the committee on national monuments which sat last year, Mr. Barry was asked whether, crowded as Westminster Abbey now is by monuments, it would not be advantageous to remove some of those monuments, especially such as bore no reference to the place where the party was buried, to some other place, such as the new Houses of Parliament or Westminster Hall. He had called the attention of the hon. Member for Lambeth to one monument in Westminster Abbey, that erected to the memory of Mr. Watt—and he would say, that however admirable that monument might be as a work of art, and however creditable to the sculptor, Mr. Chantrey, it was not in consonance with the character of the edifice in which it was placed. Mr. Barry, who was examined before the committee on the fine arts, was questioned on this subject, and he stated, that he considered it most desirable that the statues erected in memory of eminent men should be placed in Westminster-hall. This suggestion of Mr. Barry was, he presumed, confined to those monuments which had been erected by order of Parliament. He might be allowed to offer a suggestion with respect to the ornamenting of public places in the metropolis. Many of the public places in London were ornamented by monuments which had been erected by the liberality of the families or friends of deceased individuals; but he thought there was ample opportunity for carrying this principle still further. It was, he believed, almost impossible to place any more monuments in Westminster Abbey; and he did not consider it desirable to render the cathedral of St. Paul's a mere depository for monuments, which might not be in consonance with the religious nature of that edifice. He thought that in the place in which persons were actually buried there could be no objection to the erection of monuments; but he entertained a different opinion with regard to mere commemorative monuments. He confessed that he regretted the delay which had taken place in paying due honour to the eminent men to whom the right hon. Baronet had referred, when he compared the date at which their exploits were performed with the date when those exploits were recognised. It appeared as if the old principle of canonization had been adopted—that a certain number of years should be allowed to elapse before a monument was erected to commemorate the public services of an individual. He had looked over the list of persons in whose memory, during the last sixty years, Parliament had directed the erection of public monuments. He would not read that list to the House, for it might be deemed invidious were he to do so; but he would observe, that there were in the list the names of twenty-eight individuals, of whose services no record was found in the history of this country to entitle them to the distinction conferred upon them. He thought that no individuals ought to receive public funerals, or to have public monuments erected to their memory, if their services did not afford them a strong and decided claim to the honour. In 1815 a resolution was adopted by the House that a public monument should be erected to the memory of every major-general who was killed in action. The war terminated soon after this resolution was adopted; and consequently, it had not been acted upon; but, he would ask, was the House prepared to carry out such a resolution, and to award a public monument in memory of every major-general killed in action, whatever might be his character or the nature of his services? He thought that these honours were degraded by being made so general. Although considerable delay had taken place in the public commemoration of the exploits of the gallant officers to whom the right hon. Baronet had referred, they were now, at a distance of time, enabled to look back upon their achievements, and to judge how eminently they were entitled to this distinction; and he thought, therefore, that the House was about to confer upon them, he would not say a tardy, but a well-considered honour. He had purposely abstained from alluding to the case of civilians, whose public services might entitle them to a similar mark of distinction; and he thought the hon. Member for Lambeth had exercised a sound discretion in leaving that subject to the consideration of her Majesty's Government. He hoped a future opportunity would be afforded of considering that question, and that the recognition of eminent public services would not be confined to naval or military heroes.

Sir *R. Peel* begged to state, that he did not wish to fetter the discretion of the Crown as to the place in which public monuments should be erected.

Mr. *Hume:* I hope the right hon. Baronet will not alter his motion.

Sir *R. Peel* thought the Crown ought to possess the discretionary power of selecting the place in which these monuments should be erected. He would, therefore, omit from his motion the words, "in the cathedral church of St. Paul."

Sir *G. Cockburn* begged, on the part of the navy, to assure his right hon. Friend and the House, that this handsome and spontaneous mark of their approval, by the honour bestowed on the memory of these distinguished officers, would afford extreme gratification to that branch of the public service. It would be idle for him to address the House at length on this subject, after the excellent speech which they had heard from the right hon. Baronet; but he might be excused for referring to the feelings of the navy with regard to the exploits to which the right hon. Baronet had referred. He could assure the House, that when the account of the defence of Acre reached the fleet, in the Mediterranean, the greatest astonishment was felt at that glorious achievement. He might say, that it was owing almost wholly to the personal ability and valour of Sir Sydney Smith, aided by portions of the crews of only two line-of-battle ships, that—although a complete breach was effected—the town was successfully defended against the veteran army of Bonaparte. The breach was stormed three or four different times, and each time the troops of the enemy were met by that gallant officer, with his small band of British sailors, and each time the enemy was driven back. That was a service different from that which naval officers were usually called on to perform, and therefore the achievement was more signal. It insured the approbation of the country, and exemplified the character of the British navy, which never left it. They found Sir Sydney Smith afterwards leading the British fleet, and showing deeds of daring on every occasion, and he thought, therefore, that the memory of that gallant officer was very properly and justly selected by Government for this distinction; and, though late, it was not too late to do honour to a hero. On the part of the navy he had also to say, that the Government could not have made a better selection than in choosing for this distinguished honour the memory of Lord Exmouth. In addition to the valour he had displayed in the first American war, he had fought the first brilliant action in the last American war as he had fought before. In the first battle in the last war he had fought his ship, taken his antagonist a prize, and brought her in. The action of Algiers showed vast determination, and extraordinary efforts were made. The batteries opposed to his fleet were, he might say, almost terrific; but the walls had been battered down, and the first victory over slavery (if he might so express it) was obtained. But he must note another deed, which would mark the man. A ship, full of passengers, was wrecked off Plymouth; Lord Exmouth, then Captain Pellew, was passing; he got a rope put round him, and himself placed on this wreck, and did not leave it till every person safely escaped. That act marked the man, and the navy felt grateful to the Government and to the House for marking their approbation of such a man. Speaking of Sir James Saumarez, after the action of Algesiras, where he ran on a shoal under the batteries, and where for want of wind one ship got aground and could not be relieved, and the enterprise at last was obliged to be relinquished—on getting into Gibraltar he found the masts of his ships crippled in every way from the fire of the batteries, when he received intelligence of a French and Spanish squadron coming. The moment the seamen heard that, they begged they might work night and day in refitting and repairing the damage. The officers set the example, and when the French and Spanish fleet hove in sight the English ships were towed out, putting up their rigging as they were going on, and in the action that ensued they took three ships out of ten, blowing up two Spanish ships and taking a French ship a prize. It required the energy and determination of that commanding officer to attempt such a thing. The attempt showed the character of the officer in command; the carrying out of that attempt into execution was what he trusted the British sailor always did—to run at the enemy wherever he saw him, and trust to his own valour for a victorious result. He trusted that this public memorial, in commemoration of the services of these gallant men, would excite others to imitate their acts when the country should require it. He did not doubt but that it would have the best effect. In the name of the navy he returned his thanks to the House for the manner in which it had received the proposition.

Mr. *Hume* could assure the House that he did not intend to oppose this proposition. On the contrary, he held in his hand a return which he had moved for in 1838, giving a list of all public monuments erected by Parliamentary grants. His object in moving for this return had been twofold; first, to show that the gratitude of the country to their defenders had been as it were kept a secret, that the public had been excluded from the opportunity of being reminded of these marks of gratitude shown to merit. Their influence and effect on the people were, therefore, lost. In his opinion these monuments ought to be placed in some public building, such as the monument proposed in commemoration of the battle of Waterloo, for which that House had voted 300,000*l.*; and, undoubtedly, if such a building had been erected, nothing was so proper as to place all those monuments in such a building. His second object had been to show that public gratitude seemed to be entirely devoted to military men, since men of science seemed to be forgotten. Depending so much as England did on science, it was surprising to find that not one scientific man had been rewarded. Although he was satisfied that it would be niggardly to refuse this honour, still he thought these rewards were too much narrowed to military and naval men. He recommended the hall at Greenwich Hospital as a fit place for the erection of naval monuments. He would have all these monuments removed from Westminster Abbey and St. Paul's, and placed in Greenwich-hall. He hoped that the Dean and Chapter of St. Paul's and Westminster Abbey would exhibit a more liberal spirit; at present the monuments of Watt, of Davy, and of Newton and Locke, intead of being open to the public, were hidden from them. Not one person in 500 in the country knew that there were these monuments. He hoped the right hon. Baronet would use his influence in getting these public buildings opened to the public. He found that the Archbishop of York had shown a most praiseworthy spirit of liberality in this respect. These feelings of sympathy with the public, and these indulgences and grants—boons if they pleased—were recollected with gratitude, and were also highly useful in tending to direct the thoughts of rising generations to objects of enterprise and honour. The whole sum expended in public monuments, since the monument of Wolf, which was the first, in 1764, had been but 132,000*l.* There was no one but would say that this was a very niggardly amount. He believed that in France a rule was laid down that the propriety of erecting public monuments should not be taken into consideration till ten years after the decease of the individual. He thought that a very proper rule, and it conferred a greater honour on the memory of the individual chosen for such a mark of respect. He trusted that the right hon. Baronet would take into consideration the propriety of promoting the arts in the monuments to be chosen.

Mr. *Wyse* thought this selection of individuals for this honour from one branch of the public service placed the other branch in a most invidious position. He thought the other branch of the service had equal claims. He was of opinion that the motion of his hon. Friend the Member for Lambeth would be of use, inasmuch as it would bring the subject, during the interval which would elapse between the present and the next Session of Parliament, under the consideration not only of hon. Members of that House, but also of the country generally. The names his hon. Friend had chosen he thought had been well selected, though this was not the time to enter into the discussion of the separate and individual merits of the distinguished individuals thus brought under renewed notice and attention. He must, however, observe that foreigners visiting this country were much struck that while almost every regard had been had to the memories of this country's heroes, both military and naval, it had so little distinguished itself for paying such a compliment to the departed worth of the many eminent persons who had adorned literature, science, and the arts. With regard to the motion of the right hon. Baronet opposite, he felt the force of the objection which had been taken to St. Paul's being the locality. That point, however, had been abandoned by the right hon. Baronet, and he trusted that whenever the proposed statues were erected, sufficient attention would be paid in the choice, and that none of the strange inconsistencies which characterized both Westminster Abbey and St. Paul's would attach to the locality which might be determined upon for their reception.

Sir *F. Burdett* said, that without meaning the slightest invidious feeling towards those eminent men, Admiral Sir James Saumarez and Lord Exmouth, whose names had been introduced into this motion, yet, with all respect for those persons to whose merits such valuable testimony had been borne, he must say that it did appear to him that the particular merits of Sir Sydney Smith—his whole career indeed—deserved individual distinction. His exploits in the defence of the fortress of Acre, which was thought by all to be indefensible, produced results of incalculable benefit to the country. He should be glad if all public monuments were made matter of individual consideration. He did not think it a good thing to mix up merits of various kinds, however vast those merits might be. He would content himself, however, with mentioning one or two traits in Sir Sydney Smith's character, which would illustrate the spirit that governed him throughout the whole of his brilliant career. His humanity was equal to his bravery, and his generosity towards a subdued enemy exceeded his valour and his humanity, and that trait of his, in giving life to those who had been left by Bonaparte in the flight of his army, was not the least worthy of mention. Bonaparte was obliged to make the most rapid retreat he could, and, in doing so, he left his sick and wounded behind. It was something monstrous for men, unable to walk, to be left in boats, without anybody to navigate them, and entirely destitute of stores or any kind of provision. These men, found in this situation, were steered to an English port, the men trusting to the generosity of the British. In that they were not disappointed. Sir Sidney Smith did everything in his power to assuage the sufferings of the people, and his exertions to relieve officers and men in their distresses brought down upon his head the blessings of all those persons. His imperturbable spirit upon every occasion, his resources under every distressing circumstance, never being at a loss in the most trying exigencies, and always acting under a confidence of final success, rendered his character as distinguished for individual power, as the devotion of his mind and energies to the cause of his country was great and unequalled. The hon. Baronet paid a warm tribute to the Marines, to the greatness of their claims, and to the modesty with which they brought them before the public; and having gone over all the main features of the siege of Acre, and pronounced a eulogium on Sir Sidney Smith, he concluded by expressing his hearty concurrence in the motion of the right hon. Baronet.

Mr. *Brotherton* did not wish to disparage the merits of those who had distinguished themselves in arms; but he thought the country was too much disposed to war, and too little to the encouragement of the arts of peace, and that it was considered that military and naval heroes conferred greater benefits on the country than those men who had by their inventions done so much for the welfare of mankind. The best means to promote the happiness of nations was to promote a good understanding between them, so that they might find delight in serving, instead of injuring each other. He believed, that if France and England would unite together, and proclaim to the world that they would not settle any differences by war, but by common sense and justice, war would cease. He should wish, then, to see honours conferred upon those who were eager to save life, rather than to destroy it. About two years ago, a Captain Glegg, of Liverpool, saved the lives of 110 persons, at the risk of his own. He was so much struck with the act, that he put a motion on the books of the House, for the Government to confer some dignity upon that individual, but Lord J. Russell requested him to withdraw his motion, saying that the Government would take it into their consideration. He accordingly did so, and some dignity was to have been conferred on Captain Glegg, but he was absent from the country at the time, and before his return, a change of Ministry took place, and he never received the honours intended for him. He put it, then, to the Government, whether it would not be of service to the country to have some honour or medal to confer upon those who should display humanity in such a way as must be gratifying to the feelings of the nation. He cordially agreed with his hon. Friend, the Member for Lambeth, as to conferring honours upon men of science; but he differed from him in this—his hon. Friend would confer them upon those individuals who had already been rewarded, but he could point to men of genius who had contributed largely to the welfare of this country by their inventions, as, for example, the inventor of the mule-jenny, whose descendants were now in a state of indigence. He thought, that those were the men upon whom honours should be conferred.

Sir *J. Duke* said, that having had the honour to serve under Lord Exmouth, and to act as his private secretary, during two years that he was in the Caledonia, he had an opportunity of knowing the merits of that gallant officer; and he (Sir J. Duke) ought to express his grateful thanks to the right hon. Baronet for having in a manner so creditable to himself and the country, brought forward the services of that distinguished individual. He was sure, that the navy would be grateful to the right hon. Baronet and to that House, and from the feelings of all around him, he was satisfied the country would feel grateful also. There was one peculiar characteristic of the noble and gallant Lord. No gallant officer was so constantly employed during the late war, as the noble Lord. From the time the first ship, the Cleopatra, was captured, to the close of the battle of Algiers, Lord Exmouth was only on shore for a very few months. The right hon. Baronet had alluded to his having upon one occasion saved 600 lives at the risk of his own. It was for that he received the honour of a baronetcy, and not for the capture of the French frigate. At the early part of the war, our commerce suffered much from French privateers at the entrance of the Channel. Lord Exmouth was then appointed to the Arethusa one of the squadron, and sent against those privateers, and never once was he under any other command than his own. He was always detached. It was in commemoration of his gallant services, that the well-known song was composed and sung throughout the navy. When he was in company, too, with Admiral Reynolds, on board the frigate, the Amazon, they met with a large French ship of eighty guns; they attacked her, and drove her ashore, at their own imminent peril. Lord Exmouth was always ready on a great emergency, and when the ship was driven ashore, it being necessary to shorten sail, and being a dangerous thing to accomplish, Lord Exmouth himself went to the yard-arm, and set the first reef, and then said—"Go, men, and follow my example. I do not wish my men to do anything I cannot do myself." Off Toulon, too, he nearly brought on an engagement with the French fleet, and if he had come to an action he would have given as good an account of himself afterwards as Lord Nelson at Trafalgar. He begged, then, to tender his personal thanks to the right hon. Baronet for having brought forward this subject; but, at the same time, he would suggest, that such men as the late Lord Camden ought not to pass unnoticed. Hon. Members were the guardians of the public purse, and they ought not to pass over unnoticed an individual who, in the most disinterested manner, had given up to the public nearly half a million of money.

Dr. *Bowring* said, that concurring cordially as he did in the sentiments of his hon. Friend, the Member for Salford, he should be sorry not to say upon this occasion, that he did not think the country had done justice to those men who had done honour to the arts of peace, and had rendered interminable benefits upon mankind. He might mention that at this moment the descendants of Taylor, who, he believed, introduced his invention of steam navigation into this country before Fulton did so in America, were now in a state of indigence.

Captain *Plumridge* said, that having

served under Lord Exmouth, Lord De Saumarez, and Sir Sydney Smith, he could not give a silent vote upon this occasion. He could not but tender his thanks to the right hon. Baronet for the manner in which he had brought forward this motion and he should now sit down contented when he saw these monuments erected, be they at Greenwich or at St. Paul's.

Address agreed to.

COVENTRY BOUNDARY.] Sir J. Graham moved the third reading of the Coventry Boundary Bill.

Sir *C. Douglas* said, that he thought that proceeding this Session with this bill could not be justified, even if its provisions were good in themselves; and sorry, as he was to oppose any measure brought forward by the Government, he should feel that he did not perform his duty if he did not record his opinion, and take the sense of the House on the present occasion. When his right hon. Friend introduced the bill, he undertook not to proceed with it, unless the magistrates of the county should agree to its becoming law. It had been named to them in an irregular manner,—their answer had been that they could not give any opinion upon it, without having time to consider the matters in question. The county Members, on Friday last, had protested against going on with the bill; and if his right hon. Friend refused to bring in a bill to meet the necessity of the case, namely, a bill merely to define the boundary, he would undertake the responsibility of rejecting this measure for the present Session. It would place a heavy burthen on the county rate-payers. His constituents were, therefore, much interested in the matter; it would take away the sessions and assizes from Warwick. The sheriff, grand jury, magistrates, and rate-payers, were all taken by surprise; and although, at this period of the Session, he might stand alone, he would not in any way consent to the passing of this measure; and, therefore, he should move that this bill be read a third time that day three months.

Sir *J. Graham* supported the bill on public grounds. In the present state of the disputed boundaries of the city of Coventry, the greatest inconvenience arose. He felt it his duty to put an end to that inconvenience, and he thought his measure calculated to accomplish that object, and he looked upon it as a fair and just measure to all parties concerned.

Mr. *Mark Philips* seconded the amendment.

The House divided on the question that the word now stand part of the question.—Ayes 47; Noes 3: Majority 44.

List of the AYES.

- Aldam, W.
- Arkwright, G.
- Baird, W.
- Baldwin, B.
- Bentinck, Lord G.
- Bodkin, W. H.
- Boldero, H. G.
- Bowring, Dr.
- Brotherton, J.
- Bruce, Lord E.
- Buller, C.
- Cobden, R.
- Cockburn, rt. hn. Sir G.
- Corry, rt. hon. H.
- Darby, G.
- Eliot, Lord
- Fuller, A. E.
- Goulburn, rt hon. H.
- Graham, rt. hn. Sir J.
- Greene, T.
- Hamilton, W. J.
- Harcourt, G. G.
- Hawes, B
- Henley, J. W.
- Hume, J.
- Jermyn, Earl.
- Jones, Capt.
- Knatchbull, rt. hn. Sir E
- Lincoln, Earl of
- Masterman, J.
- Meynell, Capt.
- Morris, D.
- Nicholl, right hon. J.
- Palmer, G.
- Peel, rt. hon. Sir R.
- Polhill, F.
- Pringle, A.
- Ramsbottom, J.
- Scholefield, J.
- Taylor, T. E.
- Trench, Sir F. W.
- Trotter, J.
- Tufnell, H.
- Wilde, Sir T.
- Williams, W.
- Wood, B.
- Yorke, H. R.

TELLERS.

- Fremantle Sir T.
- Sutton, hon. H. M.

List of the NOES.

- A'Court, Capt.
- Hodgson, R.
- O'Connell, M. J.

TELLERS.

- Douglas, Sir C. E.
- Philips, M.

Bill read a third time and passed.

LIMITATION OF ACTIONS (IRELAND).] Lord *Eliot* moved, that the report of the Limitation of Actions (Ireland) Bill be received.

Mr. *Hawes* asked the object of the measure.

Lord *Eliot* stated that it was to assimilate the law on the subject in Ireland to that which prevailed in England. There had arisen, moreover, particular necessity for the measure in some superfluous litigation between an Irish prelate and the Irish Society of London respecting certain advowsons.

Sir *T. Wilde* said, he had heard the city of London was satisfied with the measure as it stood.

Mr. *Hawes* said, however, that he thought a fair opportunity would not be afforded to all parties affected, for considering this bill, the report on which he therefore moved be brought up that day six months.

Sir *R. Peel* said, that it was admitted to be desirable to apply the same principles of legislation to England and Ireland. A bill similar to this had passed for England in 1833, and it was now proposed to extend the provisions of that law to Ireland. This bill had met the approbation and support of the Lord Chancellor and Lord Campbell, who had been for a short time Lord Chancellor, and he believed that it generally met the concurrence of the parties interested.

Lord *Eliot* said, that the bill had been discussed on three different occasions in the Lords, of which the parties interested had had full cognizance.

Mr. *M. J. O'Connell*, although not prepared to oppose the bill, would vote for the amendment on the ground that a more ample opportunity of discussing it ought to have been afforded.

Sir *T. Wilde* said, that during the discussion he had read the Bill, and his belief now was, that if it had been properly explained little opposition would have arisen. The only real objection he saw to the Bill was, that the parties interested had not sufficient notice of its introduction.

The *Chancellor of the Exchequer* contended that the parties had sufficient notice, seeing that three discussions had taken place on the bill in the House of Lords.

The House divided on the question that "now" stand part of the question,—Ayes 41; Noes 15 Majority 26.

List of the Ayes.

A'Court, Capt.
Aldam, W.
Baldwin, B.
Bateson, R.
Bentinck, Lord G.
Bodkin, W. H.
Borthwick, P.
Botfield, B.
Brotherton, J.
Clerk, Sir G.
Cockburn, rt. hon. Sir G.
Corry, rt. hn. H.
Darby, G.
Eliot, Lord
Escott, B.
Fuller, A. E.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grant, Sir A. C.
Greene, T.
Hamilton, W. J.
Harcourt, G. G.
Hardinge, rt. hn. Sir H.
Henley, J. W.
Hodgson, R.
Jones, Capt.
Knatchbull, rt. hn. Sir E
Lincoln, Earl of
Masterman, J.
Meynell, Capt.
Nicholl, right hon. J.
Peel, rt. hon. Sir R.
Polhill, F.
Pollock, Sir F.
Pringle, A.
Somerset, Lord G.
Taylor, T. E.
Trench, Sir F. W.
Trotter, J.
Wood, B.
Young, J.

TELLERS.

Fremantle, Sir T.
Sutton, hon. H. M.

List of the Noes.

Bowring, Dr.
Cobden, R.
Dalmeny, Lord
Duke, Sir J.
Hume, J.
Morris, D.
O'Connell, M. J.
Palmer, G.
Philips, M.
Ramsbottom, J.
Scholefield, J.
Tuffnell, H.
Villiers, hon. C.
Wilde, Sir T.
Williams, W.

TELLERS.

Buller, C.
Hawes, B.

The original motion being again put,

Mr. *Hawes* said, that he entertained such strong objections to the bill, and considered it likely to be attended with such serious consequences, that he should move by way of amendment, that the House do now adjourn.

House adjourned.

HOUSE OF LORDS,

Wednesday, August 10, 1842.

Minutes.] Bills. 2ª. Boroughs Incorporation; Slave Trade (Portuguese Vessels); Coventry Boundary.

Committed.—Newfoundland.

3ª. and passed:—East India Bishops; Canada Loan; Lunatic Asylums (Ireland); Marriages (Ireland); Ecclesiastical Corporations Leasing.

Received the Royal Assent.—Bonded Corn (No. 2); Militia Pay; Bribery at Elections (No. 2); Prisons; Mines and Collieries; Tobacco Regulations; Municipal Corporations; Double Costs; Designs Copyright; Ordnance Services; Court of Chancery Offices; Slave Trade Suppression; Slavery (East Indies); Drainage (Ireland); Fisheries (Ireland); Dublin Boundaries; Four Courts Marshalsea (Dublin).

Private.—Committed.—Jackson's Divorce.

Received the Royal Assent.—Imperial Bank of England; Cauvin's Estate; Hele's Charity (Lowe's) Estate; Street's Divorce; Sewell's Divorce.

Petitions Presented. From Factory Labourers of Todmorden, for limiting the number of Hours of Attendance in Factories.—By Lord Campbell, from Wm. Geary, to be heard by Counsel, as agent for the Newfoundland House of Assembly, against the Newfoundland Bill.—From Schoolmasters of Lewis, for better Remuneration.

Adjourned.

HOUSE OF COMMONS,

Wednesday, August 10, 1842.

Minutes.] New Members. For Southampton, H. St. John Mildmay, and G. W. Hope, Esqrs, *vice* Lord Bruce and C. C. Martin, Esq.

Bills. *Public.*—1°. Registration of Voters; Medical Charities (Ireland).

3°. and passed:—Insolvent Debtors.

Petitions Presented. By Mr. S. Wortley, from Hackney, for Regulating Buildings in Towns.—From Kintyre, for Improving the condition of Schoolmasters (Scotland).—From Claimants on Denmark, for Redress.—From Stockport, not to allow Brewers' Casks to be distrained for the Rent of their Customers.—By Mr. T. Duncombe, from Chairman of a meeting of the National Association, for the Discharge of John Mason and others.—From Lorenzo Savona, for Redress.—From Mullingar, Sligo, and Wexford, to Regulate the hours of Bakers Work.

BANKRUPTCY LAW AMENDMENT.] Sir *J. Graham* moved the third reading of the Bankruptcy Law Amendment Bill.

Bill read a third time.

Mr. *Hawes* moved that the following clause be added as rider to the bill:—

> "And be it enacted, that fourteen days before a final dividend shall be advertised under any bankrupt's estate, there shall be sent by the official assignee to each creditor's assignee of such estate a debtor and creditor account between the official assignee and such estate, showing also the monies remaining uncollected under such estate, and the cause of such monies remaining uncollected, a copy of which account shall be delivered to any creditor who shall apply for the same and have proved or claimed a debt under such fiat, upon his applying for the same to the official assignee, and paying such sum, not exceeding one shilling, as shall be settled by the court authorised to act in the prosecution of such fiat."

Mr. *W. Scott* was of opinion, that the creditors ought to receive every information relative to a bankrupt's estate without paying a shilling fee.

Mr. *Hawes* thought that it was fair to make a small charge for a document from which much valuable information was likely to be obtained.

Sir *T. Wilde* said, it might be important, in many cases, that parties who were not creditors should be allowed to possess themselves of such an account as the clause specified, on payment of a certain fee, and moved an amendment to effect that object.

Sir *J. Graham* approved of the proposition.

Sir *T. Wilde* said, that when the creditors of an estate were numerous, 1*s.* would be found sufficient to defray the expense of printing, but that sum would be insufficient where the creditors were few. A fee of 2*s.* 6*d.* would, however, be amply sufficient in all cases to meet the expense.

Clause agreed to with verbal amendments.

Bill passed.

INSOLVENT DEBTORS — MILLBANK PENITENTIARY.] Sir *J. Graham* moved the Order of the Day for the third reading of the Insolvent Debtors Bill.

Mr. *T. Duncombe* rose, pursuant to notice, to call the attention of the right hon. Secretary for the Home Department to the contents of a petition which he had presented last week, complaining that great and unusual mortality prevailed in the Millbank Penitentiary during the present year. William Gellen, the petitioner, had been considerably above two years a warder of the Penitentiary, and spoke only of that which he had himself witnessed. He knew that whenever an individual came and made a complaint to that House against any person, it was customary to blacken the petitioner's character, and to impute improper motives to him, particularly if the party complained of held any high official situation. He, therefore, to meet any allegation of that nature against Mr. Gellen, would read the character which he had received on the 30th of June last from the governor and the chaplain of the Millbank Penitentiary. It appeared, that Mr. Gellen had been a warder since February, 1840; but in consequence of a dispute with some of the officers of the establishment, he had resigned his situation. In the certificate of character, the governor said,—

> "Mr. Gellen is a man of much intelligence. His honesty and sobriety are unquestioned. I cannot, however, commend him on the ground of subordination."

Thus, he was admitted to be intelligent, honest, and sober, but inclined at times to assert his own opinion. It appeared from the petitioner's statement, that since January, 1842, fourteen deaths had occurred in the Penitentiary, that twenty-eight persons had been removed on medical certificates to other places, and that five or six had been sent to different asylums in a state of hopeless insanity. It appeared, that in 1839, the deaths in the Penitentiary were five; in 1840, five; and in 1841, seven. In 1840, the cases of insanity were five; and in 1841, nine. Looking, therefore, to the half-year ending in June last, it was evident that an alarming increase of mortality and of insanity had occurred. No doubt, the situation of the Penitentiary was extremely unhealthy; that was admitted by medical men; and to that source it was but fair to attribute a part of the illness. But great complaints were made against the system which was adopted in the prison, especially with reference to the want of a resident medical practitioner. Two cases were pointed out in the petition as having occurred this year, the one of a woman who expired in a fit, the other of a man who had been taken ill suddenly and died, no medical person having been present in either case. Further, it appeared, that a number of persons in a dreadful state of debility, brought on by the discipline of the prison, were removed, in the last stage of existence, to St. Bartholomew's and other hospitals, where they soon afterwards died. Those deaths did not appear on the books of the Penitentiary. If they had, they would have greatly increased the number of deaths connected with the establishment. It appeared, that these removals took place too late to be of any benefit. In one instance it was stated, that Dr. Bayley, the medical gentleman attached to the Penitentiary, had paid the funeral expenses of a man who had been removed from that prison, and had died in the hospital. The inference drawn from this was, that Dr. Bayley felt that this person ought to have been removed before, and that the funeral expenses were paid as a sort of compensation to the friends and relatives of the deceased. The petitioner referred to the case of a man of the name of Evan Evans, who was found in his cell in a state of stupor. He had been treated for some time for consumption; stimulants and several leeches were applied to his temples for the purpose of restoring him but without effect. He was afterwards visited by the governor and Dr. Bayley. They declared that he was an impostor, and ordered him to be drenched with cold water. A case more outrageous than this could not be found in the annals of cruelty. The order was executed by the infirmary assistants. One held his head, while another poured three or four buckets of water over him. The governor called him an old fool,—asked him was he not ashamed of himself? and said, "Give him another bucket full," which was accordingly done. He was ultimately carried away still insensible, blood streaming from his temples. This man died two days afterwards. Surely, when such things were declared to have taken place, inquiry into the facts should be instituted by that House or by the Government. He was the more anxious to bring the subject before the House, because a bill had recently passed without discussion for the establishment of what was called a model prison. In the early part of this Session he had asked the House for a committee of inquiry into the state of our prisons; the House would not grant that inquiry, but left the matter to the Secretary of State for the Home Department and the Inspectors of Prisons. Now, when they considered what had occurred in the Millbank Penitentiary, and when they called to mind that the model prison was to be established if possible on a more severe principle, it was proper that the House should be put in possession of these facts, and that the Government should be warned as to what might take place in the model prison when it was opened. He had read the names of the noblemen and gentlemen who were to superintend this new model prison: in private life no men could be found more excellent or amiable; but, as practical men, or men who could command time to superintend an establishment of this kind, he certainly thought that a more judicious selection might have been made. It was impossible, he conceived, considering who these parties were, that they could give up their time to such an occupation. He found, in the first place, the Duke of Richmond, the Earl of Chichester, the Earl of Devon, Lord Wharncliffe, Lord J. Russell, and the Speaker of the House of Commons. Now, he would appeal to the right hon. Gentleman (the Speaker) whether his time was not at present sufficiently occupied, without being called on to visit the model prison? Then he saw the names of Sir B. Brodie and Dr. Fergusson. He would ask, was not the time of these Gentlemen fully occupied by their professional duties? Dr. Fergusson was, he believed, a very eminent practitioner in his line—that of an accoucheur; but, as this was to be a prison for males, he did not see that the services of Dr. Fergusson were likely to be required. Next, he observed the names of Major Jebb, the Rev. Wriothesley Russell, and Mr. Crawford. Now, these persons, acting as commissioners, might make what rules and orders they pleased; and he objected to their reporting to Parliament on their own acts and proceedings. Some of them were advocates of the most stringent solitary and silent confinement. Captain Williams, another of the commissioners, differed from them on this point, as he preferred the separate system with associated labour. Government were now about to make a very dreadful and alarming experiment, with respect to the solitary system. An attempt had been made to draw a nice distinction between the separate and solitary system — just as if separation was not solitude. By the solitary system, a man was placed by himself in a dark hole; by the separate system, he was kept by himself in a light room. That was all the difference. Mr. Chester, the governor of the Coldbath-fields' prison, an observant and most intelligent man, declared it to be his opinion, that the separate and solitary systems were calculated to produce sickness and insanity. He approved of the silent system, connected with proper labour. The hon. Member also adverted to the case of Samuel Holberry, the severity of whose treatment in Northallerton House of Correction brought on illness, which soon afterwards occasioned his death in York Castle, whither he had been removed by order of the right hon. Secretary for the Home Department; and also referred to the pitiable situation of a man named Morgan Jenkins, one of the persons who was engaged in the riots at Newport, who was now confined in the Millbank Penitentiary, and who, he understood, was dying by inches, in consequence of the miserable diet of the prison. The hon. Member concluded by asking whether the right hon. Secretary for the Home Department had made any inquiry as to the allegations contained in Mr. Gellen's petition? whether, if he had not, he intended to make such an inquiry? and whether it was the intention of her Majesty's Government to recommend to the commissioners of the model prison, and to recommend also with respect to the Millbank Penitentiary, that a medical man should be constantly resident within the walls?

Sir *J. Graham* said, he was prepared for the motion of the hon. Gentleman, by the inquiries he had made when the petition was first presented. But the hon. Member had now taken a much wider range, and had indulged himself in a sort of roving commission through all the prisons. The model prison, as he had before stated was an experiment, and an experiment well worth making. With regard to the committee of management, he thought, it was well qualified to conduct the inquiry, having conducted one in the House of Lords; and the same might be said of Lord Chichester. He might add, that the propositions of the Duke of Richmond, as to the separate and silent system, were very much in unison with those of the hon. Gentleman. He had asked Lord John Russell to be so obliging as to consent to suffer his name to be placed on the commission appointed to superintend the experiment, and the noble Lord had been so kind as to promise that he would undertake to devote a considerable portion of his leisure time to the superintendence of the experiment. He had also requested the Speaker to be so kind as to suffer his name to be joined to the other commissioners, and the Speaker had been kind enough to say, that he would devote his leisure time to his duties as a commissioner. He had also appointed Sir Benjamin Brodie, a high medical authority, and Dr. Burnett, who also held a high rank in the medical profession, as commissioners. Major Jebb, an officer of engineers, who had devoted considerable attention to the subject of building prisons, was also a commissioner. These were all checks upon the prejudices of other persons. Knowing that Mr. Gordon had devoted his attention to the subject of prison discipline; that he had visited almost all the gaols of Europe and America, and that he had introduced the separate system of prison discipline, he thought that he ought to be appointed to superintend the experiment. If he had appointed Mr. Gordon alone to superintend the experiment, he should have been to blame, but he certainly ought not to be excluded from the commission. With reference to the case of Holberry, he was bound to say that that case had given him great pain. He had been informed last autumn that the health of Holberry was suffering, and he had directed that he should be removed from Northallerton to York Castle, where the discipline was less severe, and he had directed, that report should be made to him as to the state of Holberry's health. He had not for some time received those reports, until shortly before Holberry's death, when he had received information, that unless he were liberated, his health would suffer so severely that he could not recover. He had directed his liberation within forty-eight hours of the time he had received that information. Now, with regard to the Penitentiary, it should be recollected, that the hon. Gentleman was impugning the discipline of that establishment on the testimony of a discarded servant. [Mr. *T. Duncombe*: No.] He had been permitted to resign, at least such was the report of the governor. He would admit, that during the course of the last spring an epidemic had prevailed in the Penitentiary, and many deaths had ensued, but that had not been occasioned either by the diet or discipline; for a more generous diet had been adopted, and a relaxation of the severity of the discipline had taken place, on the recommendation of Dr. Bailey, before the epidemic had made its appearance. That epidemic had been attributed to various causes, some persons imagining that the situation was unhealthy; he did not agree in that opinion, but he had directed Dr. Bailey to institute inquiry into the health of prisons similarly situated, and to report on the subject. He was also happy to state, that cases of insanity in that prison were less frequent than formerly. With respect to the man who died in Bartholomew's Hospital, and whose funeral expenses it had been said Dr. Bailey had undertaken to pay before they would admit him, he begged to say, that they invariably refused to admit a patient unless some person was answerable for his funeral expenses. With respect to the other case to which allusion had been made, there could be no doubt that the man had simulated stupor, but he could not altogether approve of the treatment to which that man had been subjected. With respect to the general superintendence of the prison it was under a commission, the members of which were above suspicion; and he heard a short time since from a person who had attended a man who had been a prisoner in that institution, and who in his dying moments stated that the Penitentiary was the best institution in the world, and in his dying moments had directed his thanks to be returned to the officers of that establishment for the kindness with which he had been treated.

Mr. *Hume* objected to the intervention of commissioners to screen the governors of prisons and the Secretary of State from responsibility. The experiment of the Penitentiary had completely failed. It was situated in a bog, and must be unhealthy. He objected still more to the management; it ought to be under the management of a responsible governor, and subjected to vigilant inspection, the Secretary of State being responsible for the general management of all cases. A plan of that sort had been adopted on the Continent, and found to answer. And until some such plan had been adopted in this country, all attempts at prison discipline would be failures. They had prisons in the Isle of Wight, prisons in Pentonville—the whole country was full of prisons; and yet they could not agree to any efficient system. He had called the attention of the Secretrry of State to the case of William Penny, whose health was suffering from imprisonment in Northallerton gaol. No attention had been paid to it, and he supposed, that not until the man was within twenty-four hours of his death would any order be issued for his release.

Mr. *Hawes* defended the appointment of the commissioners. If these commissioners had not been appointed, an outcry would have been raised against centralisation, and it would have been said that the people would have been excluded from the management of their own concerns, and all local authority overthrown. He did not think that there had been a case of abuse established. The hon. Gentleman, the Member for Montrose, said, that the Chartists had been treated by the late Government with cruelty. Of course that applied to certain men, and of course came down to the late Secretary of State. Well, he (Mr. Hawes) would say, there never was a more unjust charge. In the first place, the law was not violated by that Government. With respect to the wisdom of that prosecution he gave no opinion; that was no part of the charge. He had his own opinion upon it. The charge was, that they were treated with cruelty. There was certainly a hardship done in placing the political offenders with those persons who had committed felony; but the moment the subject was brought under the consideration of the House, an act was introduced, providing that political offenders should not be placed with persons charged with felony. He should say, that taking the present prison system altogether, although, perhaps, not the best, it was one that would improve, and would obtain additional confidence from the public, and additional power to repress crime.

Mr. *Greene*, as one of the commissioners of the Millbank Penitentiary, wished to say a few words in reply to what had fallen from the hon. Member for Montrose. The hon. Gentleman had said, that the whole weight and responsibility ought to rest with the Secretary of State for the time being. The Secretary of State was responsible now, and was also responsible for the appointments made while he was in office.

Mr. *Ewart* entirely agreed with the hon. Member for Lambeth, that the present system of prison discipline was improving, and had been for some time, and he felt convinced would continue to do so; but he agreed with the hon. Member for Montrose, that the responsibility of the Secretary of State was not at all defined, but was in a state of uncertainty.

Mr. *Aglionby* said, that so far from the political offenders in the time of the late Government having been treated with humanity, they had been treated with so much harshness that the subject forced itself on the attention of the House. He would refer to the case of the prisoners in Warwick Castle. Where could there be a case of greater hardship. That case was brought before the House by the hon. Member for Finsbury, and the mitigation of the punishment was not obtained from the Home-office of that day until the subject was brought under the consideration of the House.

Sir *J. Graham* rose to order. The hon. Member had made his motion upon an Order of the Day, to which it in no way referred, and that was contrary to a recent motion of the House. This discussion might take five or six hours, and as it was interrupting the business of the House, he thought he had a right to rise to order.

The *Speaker* said, he was exceedingly glad that the right hon. Baronet had called the attention of the House to this point. It was his (the Speaker's intention to have done so previous to putting the motion that the bill before the House be read a third time. The Order of the Day for the third reading of the Insolvent Debtors Bill had been read; the question was that he bill be read a third time. Therefore, according to a rule of the House, no hon. Member could move an amendment not strictly relevant to the matter before the House. He hoped that in another Session that rule would be more strictly adhered to.

Bill read a third time.

Further proceedings postponed till a later period, when the bill with additional clauses was passed.

Remonstrances—Public Distress.] Mr. *Thomas Duncombe* begged to present to the House fourteen documents, which, strictly speaking, were not petitions, but remonstrances, or protests against the proceedings of the House, signed by the chairman of different public meetings at Bury, Bradford, Hythe, Dundee, Halifax, Aberdeen, Woodside, Sheffield, and other considerable towns. These remonstrances were all couched in the same terms, and represented the feelings of nearly 1,000,000 of the working classes. What they complained of was that the labouring people of this country were suffering from destitution and misery, to an extent hitherto unknown; and after setting forth their grievances in language perfectly respectful and becoming, they went on to express their deep regret, that on a former occasion, when a petition was presented from 3,500,000 of the labouring class, requesting to be heard at the Bar of that House, the House had refused to accede to their prayer; and they added, that if those petitions had been heard, they would have made out a case which would have induced the House to alter the course of legislation it had been pursuing. Satisfied upon that point, they (the remonstrants) stated, that as no hope whatever was held out of a mitigation of their sufferings from the House of Commons as at present constituted, and as they dreaded the awful consequences of a continued disregard of their sufferings, they should proceed to take such peaceful and legal means to remedy the evils of their condition, as the well being of society and their extreme suffering imperatively demanded. The hon. Member (Mr. T. Duncombe) having thus stated the substance of these documents, proposed to bring them up, and to have one of them read at length by the clerk at the Table. [Sir *George Clerk:* Do these documents contain any prayer?] No; he was aware that documents of this nature could not be received as petitions; but protests of a similar kind had, at different times been read at the Table, and the House had then determined whether it would receive them or not. That was the course he wished to pursue in the present instance.

Sir *George Clerk*, from what he could gather from the hon. Member's statement of the substance of these papers, apprehended that they were remonstrances or protests against the conduct of that House, in which case he conceived it would not consist with the forms of the House to allow them to be received under the guise of petitions. Upon this point, he should wish the House to be favoured with the opinion of the Speaker.

The *Speaker* said, that the custom was this, that whenever remonstrances were presented to the House coupled with a prayer, they were received as petitions; but when they were offered without a prayer, the rule was to refuse them. He apprehended, that in the present instance the hon. Member for Finsbury had not proposed to bring up these documents as a matter of course. Whether they could be received or not, was a question upon which the House must decide. They could not be brought up, nor be read by the clerk at the Table, unless the House first assented.

Mr. *T. Duncombe* observed, that if the House refused to allow one of the remonstrances to be read, it would be rejecting a document, emanating from a large body of the people, without knowing what it was. These protests alluded to great national grievances. The people conceived, that they were ill-used, and not being allowed an opportunity of making out their case at the Bar of the House, they adopted this last course of making their grievances known, and of declaring what their own conduct would be. If the House thought proper not to allow these respectful, but firm remonstrances to be read, the fault would rest with the House, and not with him.

Sir *Edward Knatchbull*, understanding that the documents contained no prayer, conceived, after what had fallen from the Speaker, that it was impossible for the House to receive them.

Mr. *M. J. OConnell* thought that the House would be placing itself in an awkward position if it rejected documents thus offered to it, without knowing what those documents were.

Mr. *Redhead Yorke* protested against the course which the House was about to pursue. If Members were driven blindly to a division without being properly acquainted with the subject upon which they were to divide, he should vote with his hon. Friend, the Member for Finsbury.

Sir *Robert Peel* observed, that he had not been present at the early part of the discussion. He believed, however, that the question was this—

Mr. *Thomas Duncombe* begged, as the right hon. Baronet was not present when he (Mr. Duncombe) brought these remonstrances under the notice of the House, and as many other Members had since come down, that he might be again permitted to state the substance of them, and to explain the grounds upon which he offered them to the acceptance of the House. The hon. Gentleman accordingly re-stated the substance of the remonstrances, and repeated his proposition, that one of them should be read by the Clerk at the Table.

Sir *Robert Peel* was much obliged to the hon. Member for having again explained for the benefit of those Members who were not present at the commencement of the discussion the precise nature of the subject. He, for one, during a long Parliamentary life, had never raised captious objections to the reception of petitions. He thought it better, unless there appeared to be a disposition to treat the House with disrepect, not to enter into a critical examination of the terms in which petitioners expressed themselves. He was never disposed to object to words; but, at the same time, he thought it of importance, that the established forms and usages with respect to the reception of addresses to the House should be adhered to; and, at any rate, that those established forms and usages should not be departed from without the advantage of previous notice and mature consideration. The hon. Gentleman said, that these were not petitions, but remonstrances. Then, if the rule of the House were, that the mode of approaching it for the purpose of declaring an opinion, or expressing a wish, should be in the form of petition, he (Sir R. Peel) thought, that that form ought to be adhered to. He apprehended, that the orders of the House implied, that such should be the course of proceedings. The Standing Orders required, that the Member should state the prayer of the petition. Therefore both usages and the Standing Orders implied, that the mode of approaching the House, either for the declaration of opinion, or for the presentation of remonstrance, was by petition. It was not his wish, in the slightest degree, to trench upon the rights of those who wished to approach that House; but if general usage, and the Standing Orders of the House, pointed out the form of petition as the only mode in which the House could be approached, he trusted, that the House would not in the present instance permit its usual forms to be departed from, without the opportunity of a full and mature consideration.

Mr. *T. Duncombe* said, that documents without prayers, similar to those which he wished to present, had been brought to the Table on former occasions, and that the House had divided on the propriety of receiving them.

Sir *R. Peel* said, that such cases must be exceedingly rare. He had not been able to find in the Journals of the House a precedent for the reception of any remonstrance except in the form of petition. It was, however, a question to be decided by the authority of the Speaker, and he trusted the Speaker would state what was the usage on the subject.

The *Speaker* said, that the usage of the House certainly had been not to receive any remonstrance, unless it concluded with a prayer. There was a Standing Order requiring that the prayer of every petition should be stated by the Member presenting it.

Mr. *T. Duncombe*, understanding that there was a positive Standing Order against the reception of such documents, would not further press them upon the acceptance of the House.—Motion withdrawn.

SLAVERY — CEYLON.] Mr. *Villiers* inquired of the noble Lord the Secretary for the Colonies if he had received any report from the Governor of Ceylon as to the state of slavery in that colony? The reason that he had for asking the question was, its having been discovered that there were nearly 30,000 people there in that condition. A memorial was presented to the noble Lord the Member for London, who preceded the noble Lord at the Colonial-office, on the subject, who replied that before receiving the memorial he had requested the governor to make a report upon the state of slavery in that island, with the view to its extinction, and he wished to know if that report had been made, or whether the government had it in contemplation to issue any Order in Council on the subject.

Lord *Stanley* said, that not very long ago he had received from the Governor of Ceylon despatches expressing his regret that he was not prepared to furnish a detailed report on the subject to which the hon. Member hon. Member had alluded, but he stated that slavery had virtually been almost extinguished in the colony, and that he was about to introduce a new registration act, which he hoped would render the final abolition of slavery comparatively easy.

COMMUTATION OF SENTENCES.] Mr. *R. Yorke* wished to put a question to the Home Secretary of which he had not given notice. When speaking, in the earlier part of that day, upon the subject of the Chartist prisoners, he (Mr. R. Yorke) understood the right hon. Baronet to say that it was absolutely necessary that political prisoners should be treated with rigour. That being the right hon. Baronet's opinion with respect to political offenders, he (Mr. R. Yorke) now begged to allude to the recently tried case of "Browning *v.* Johnston," and to ask whether it was to be understood, as a recognised principle, that the Home Secretary should be empowered, upon *ex parte* statements, to release prisoners from confinement, for a consideration in money, where a sentence of imprisonment had been pronounced by a judge presiding in a court of justice.

The *Speaker* intimated to the hon. Gentleman that the question, as he was putting it, might lead to a discussion, and was therefore irregular.

Mr. *R. Yorke* trusted, then, that he might be allowed to put the question in another form. He wished to know whether it was understood that the Home Secretary was empowered to recommend a commutation of the punishment of imprisonment for a consideration in money, especially when the evidence upon which that imprisonment had been ordered by the judge, had not been in any material respect impugned.

Sir *J. Graham* observed, that what had fallen from the hon. Member, consisted partly of statement and partly of interrogation. That part of it which consisted of statement was highly inaccurate. He had not that morning stated, that political offenders should be treated with rigour. He had drawn no distinction between political offenders and all other offenders; but what he did say was, that whilst he was most anxious that prison discipline should be conducted with humanity, and even forbearance towards offenders, still it was due to society that criminals in gaol should have the discipline of the gaol administered firmly, temperately, and even rigorously. He appealed to those who heard him, whether that was not the substance of what he had stated in the morning, and whether the misrepresentation of the hon. Member for York, was not somewhat unjust and hard. With respect to the question put to him by the hon. Member, he begged to state, that there was no limitation to the prerogative of mercy as exercised by the Crown, upon the recommendation of its responsible advisers. It was the pride and glory of the country, that the prerogative of mercy knew no limit. Any sentence, passed by any court, however severe, might be mitigated to any extent by the Sovereign, acting upon the recommendation of responsible advisers.

IMPORTATION OF CORN.] Mr. *M. Philips* wished to put a question to the Chancellor of the Exchequer, with respect to some misunderstanding which had arisen with regard to the act recently passed for regulating the importation of corn. The 28th clause of that bill directed, that the average should be taken on every Thursday, for each week, from the Thursday in the week preceding. The bill passed on Friday, the 28th of April; and he was informed, that some importers contended, that as a full week did not intervene between that day and the following Thursday, no average could be struck, and no duty was payable. Those parties had, he understood, paid the duty under protest; and he wished to know, whether, in this case, the exemption could be legally claimed.

The *Chancellor of the Exchequer* said, he believed this question had been put to him in consequence of the suggestions of an individual whose employment consisted in detecting errors and defects in Acts of Parliament; and who pointed out those errors to merchants and others, on condition of receiving a premium for his information. [An hon. *Member* said, "That is not the case."] The law officers of the Crown considered, that there was nothing in the objection; and it had been left to the parties interested to try the question, if they were disposed to do so.

LIMITATION OF ACTIONS (IRELAND).] Mr. *Hawes* said, that he had, last night, moved the adjournment of the House, and his object in making the proposition was to defeat the Limitation of Actions (Ireland) Bill. He wished to know whether it were the intention of the noble Lord, the Secretary for Ireland, to proceed with that measure?

Lord *Eliot* feared it would be out of his power to proceed with the bill at this late period.

PUBLIC BILLS—LATE AND PRESENT MINISTERS.] Viscount *Palmerston* spoke to the following effect.* Sir, I rise in pursuance of the notice which I have given, to move for certain returns respecting the public bills which have been brought into Parliament during the present Session; and as this motion embraces the whole course of policy of the Government, I think it not an unfitting occasion on which to submit to the consideration of the House some few observations upon the state of our affairs both at home and abroad. There are, from time to time, in the course of public affairs, epochs at which it is good to pause; to look back upon events gone by: to look forward to events to come: to investigate the political causes which may be in operation: to examine their accomplished effects, and to anticipate their future action. Such a period is the present moment; when a political party who had been for ten years in active opposition, have now been nearly a twelvemonth in possession of power, and are about to close their first Parliamentary Session. This seems not an unfitting occasion, on which to consider what were the expectations which were entertained when that party acceded to power; on what those expectations were founded, and how far they have been realized. But in pursuing this inquiry, it will be necessary for us to cast a rapid glance at the events of a period somewhat further back than the time when this party was in opposition. The hon Member for Shrewsbury, in a recent debate in this House, traced the causes of some, of what I consider the imaginary evils, of which he complained, to the settlement of Europe which was made at the peace of 1815. But some of the great causes which are still in operation, took their origin in the long and eventful war, of which that peace was the close. That war, which lasted near a quarter of a century; the progress of which was full of the most extraordinary and romantic vicissitudes; during which the tide of conquest rolled over the whole continent of Europe, first from west to east, and then back again from east to west; that war roused into the most vehement action, all the passions, all the faculties, all the energies of the nations of Europe; and it was idle to suppose that returning peace would restore those nations to the same political condition in which the war had found them. It was vain to think that men who had so long been accustomed to discuss, and practically too, theories of Government, and the rights and wrongs of mankind, would at once fall back into that state of comparative slumber from which they had been roused by the outbreak of hostilities. Nevertheless, there were eminent statesmen, not on the Continent only, but in this country also, who indulged in such a dream—but the delusion was soon dispelled. The Italians, the Spaniards, the Portuguese, made repeated, but unsuccessful, attempts to wrest from their governments free institutions. The Spaniards and Portuguese indeed at a later period, under happier auspices, with the consent of their legitimate sovereigns, and with the protecting aid of England, have obtained for themselves the inestimable blessing of representative government. England was not exempt from the operation of those influences which acted upon the Continent. When peace had relieved the minds of men in this country from that anxious and all-absorbing solicitude, which belongs to a struggle for national existence, the attention of the nation was directed with great intensity to our domestic concerns, and two questions principally occupied the public mind. The one related to that grievous injustice to which a large portion of the people of the United Kingdom had long been subjected, by disabilities under which they laboured, on account of their religious opinions; the other related to the defects and imperfections of our representative system: these were the Catholic Question, and Parliamentary Reform. Parliamentary Reform being the question which affected most directly the great mass of the community in this country, was on that account the question in which the great mass of the community took the strongest and most lively interest. The Catholic Question being the one, which was productive of the greatest practical injustice, and which impaired most directly, and in the greatest degree the national resources, was on that account the question, to which the leading men in Parliament gave their most earnest attention. After a long struggle, Catholic Emancipation was carried in 1829; and though many distinguished statesmen had by their previous exertions paved the way for that great consummation, yet it is chiefly owing to the energy, and firmness, and sagacity of three men, that this measure was carried at that time, and that the country was saved from the many and various evils, which a longer continuance of the former injustice must inevitably have produced. Those men are the right hon. Baronet opposite, the head of her Majesty's Government; the Duke of Wellington: and a person who has not often been combined in political co-operation with them, I mean the right hon. and learned Member for Cork (Mr. O'Connell). It was by these three men, principally, that the measure of Catholic Emancipation was carried; and I cannot on this occasion mention the name of that great and illustrious man, the Duke of Wellington, to whom this nation owes a larger debt of gratitude than perhaps any nation ever before owed to any other man: without venturing to express a hope, that he may be destined to add another wreath to the laurels which already grace his brow; and that having saved his country by his genius in war; and having by his wisdom in peace struck their fetters off from seven millions of his fellow-subjects; he may add to his military exploits, and to his civil achievements, the glory of working out the commercial emancipation of his country. Well, the Catholic question being carried, it was obvious to every man who reflected at all on the state of public affairs, that Parliamentary Reform was the question which stood next for settlement. That settlement might perhaps have been delayed some years longer, but the events which happened in France and Belgium in 1830, hastened the crisis. It then became the duty of the Government of that day to consider whether they should undertake the settlement of that question, as they had that of the Catholic question. They determined that they could not, and I think they judged wisely. However honourable their conduct was in 1829, and I then stated my opinion that it was so, I repeat that opinion now, and shall never alter it; however honourable to themselves, as well as advantageous to their country, their conduct in 1829 was, yet it did excite among a large portion of their warmest adherents, the deepest and bitterest resentment. This resentment arose from a want on the part of those persons who felt it, of those large views of national interests, and of that just sense of political necessities, which actuated the

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* From a corrected report.

Government in coming to their determination. The interval between 1829 and 1830 was too short to allow that resentment to have subsided. If the Government had undertaken in 1830 to settle the question of Parliamentary Reform, they were sure to have gone too far to retain the support of their followers, while they would probably not have gone far enough to obtain the support of their opponents. They therefore took advantage of an incidental defeat upon a question comparatively unimportant, and resigned their offices. But I believe that almost all the members of that government, on resigning their offices, expressed their individual opinion that the time was then come, when some reform or other of our system of representation could no longer be delayed. Well, we succeeded to power; and we brought forward our plan of reform; and that plan was so much more extensive than any thing that any of the party who had gone out had conceived to be possible, that the mere announcement of it struck them not only with astonishment, but with dismay. They thought they saw in it their utter annihilation as a political party; they believed it would destroy all their influence at elections: and imagined that they should be swept away by the overwhelming tide of democratic power. We assured them that their fears were vain; that under our plan property would still retain its just and legitimate influence; and more than this it ought not to have.. They would not believe us. But I would ask the most vehement Anti-Reformer of that day to look at the present state of parties in this House, and at the division lists of this Session, and to tell me whether the fears which they then entertained have not been proved by the result, to have been visionary and groundless. No less visionary and no less groundless are the fears which the same party now entertain, that by striking off the fetters which cramp and paralyze the productive industry of the country, we should inflict the smallest injury on the owners of the soil. Parliamentary Reform was carried; but there was this difference between that, and Catholic Emancipation; that Catholic Emancipation was, if I may say so, a measure complete in itself; while Parliamentary Reform was rather a means to an end. The object of Catholic Emancipation was to redress a great wrong; and that wrong was redressed. But the object of Parliamentary Reform was not merely to remove the discontent which ourformer defective system of representation created, but to reconstruct our legislative machine, so that we might be better able to correct our bad laws, or to pass better laws in their stead. Now among the various evils of our existing legislation, which could not fail at an early moment to attract the attention of a reformed Parliament, it is obvious that the defects of our commercial system stood in the foremost rank. It was idle to suppose that when we had admitted into this House a due proportion of direct representatives from our great manufacturing and commercial communities, those representatives would not bring frequently and urgently under the consideration of Parliament the many evils which their constituents suffered by reason of our restrictive and prohibitory system of commercial legislation; and it was impossible to imagine that Parliament would not soon be induced by the force of reason and of argument, to make great and important changes in that system. But there were many who did not look deep enough below the surface of things to be convinced of this. The large party in this House and in the country who think, and no doubt honestly and conscientiously, that the system of monopoly and restriction of which we complain, is not only advantageous to themselves, but beneficial to the country, believed that the advance or the stoppage of social improvement, depend, not upon the action of great and wide spreading causes, but upon the accidental circumstance that men of particular opinions may happen from time to time to be in possession of power. They thought, therefore, when we were year after year announcing our progressive improvements, that if they could only contrive to dispossess us of power, and to place in our stead the leaders of their own party, they would be safe, and the system which they had so long cherished would continue to be maintained. They had a large majority in the House of Lords; they had growing numbers in the House of Commons; all they wanted was a majority here; they set to work to obtain it, steadily, systematically, and perseveringly; they laboured hard in the registration courts; and gradually rose upon us, until it became probable that the time would soon come, when they would have the command of this House, as well as of the other. The last Session of the late Parliament brought matters to a crisis. Their numbers had become nearly equal to ours. The measures of commercial reform which we announced showed them that there was no time to be lost; and that the battle must immediately be fought. They fought the battle, first in this House, and afterwards in the country; their victory was complete, and our defeat amounted almost to a rout. Surely the day on which we gave up the seals of office, and when power was transferred to our opponents, surely that day was a day of exultation and triumph to the Tory party! Surely that was a day which secured for years to come the maintenance of that system of monopoly and restriction to which they are attached, and which they conceive to be no less conducive to the public interest than to their own. Great accordingly was their triumph, and loud their exultation. But, alas, the vanity of human wisdom! alas, how short-sighted are the most sagacious of men! But a few short months passed over their heads before their songs of triumph were changed into cries of lamentation. The very persons whom they had chosen to be their appointed champions; the very guardians whom they armed for their defence, turned their weapons upon them, and with inhuman and unrelenting cruelty struck blows, which though not at present fatal, must ere long lead to the total extinction of their favourite system. Great was now their disappointment, loud their lamentations, and bitter their complaints. We have not heard much of these complaints in this House; there are reasons for that; but every other house in London, all the clubs and every street of the town have been ringing with the invectives of men, who represent themselves as the victims of the grossest deception. I say it is true they have been grossly deceived. But by whom? Not by the right hon. Baronet opposite; but by themselves. They have themselves, and themselves only to blame, for any disappointment they have suffered in consequence of the course pursued by her Majesty's Government. Why did they not, during the ten long years they were following their present leaders in opposition, take due pains to ascertain what the opinions of those leaders were, upon matters which they deem of vital importance? If they neglected to do so, they have themselves only to blame for the disappointment which they have experienced, when the real opinions of those leaders came necessarily to be disclosed upon their accession to power. What those opinions are, we in this House have, during the present Session, had full opportunities of learning. We have heard them stated fully, explicitly, and unequivocally; and I am bound to say, that more liberal doctrines, more enlightened views, sounder or juster principles, could not have been propounded by any advocate of free-trade on this side of the House. But no man can suppose that the Gentlemen opposite inherited these principles from us with their offices; or that they found them locked up in the red boxes which we left on our tables. It is not to be imagined either that we so impregnated the atmosphere of Downing-street with free-trade principles, that our successors, on entering it, caught the infection as they would an epidemic. It would be too childish to believe that. Still less can it be supposed that these recently propounded doctrines and opinions, are the result of deep studies, to which the Tory leaders have devoted themselves, since their accession to office in September last. No, Sir, we know by experience what are the labours of official men. We know that the stream of business comes flowing in with unceasing volume every hour of every day, like the current of the Thames; and that if it be allowed to accumulate, the man who ventures to delay, will soon be irretrievably overwhelmed. We know that every hour of every day, and many hours of the night; that every thought, and every faculty of the mind, must be devoted by a Minister to the business which is perpetually pressing upon him; and we well know that these duties, at all times heavy, are doubly weighty during the first few months after a new Administration has come into power. It is not to be supposed therefore, that during the five months which elapsed between the 3rd of September, when the present Government came in, and the 3rd of February when Parliament was assembled, her Majesty's Ministers could have found leisure to study the works of Adam Smith, of Ricardo, of Macculloch, of Mill, and of Senior. No, Sir, it is manifest that the opinions which they have so well expounded in the present Session of Parliament must have been the fruits of long previous meditation and study. Of study deliberately pursued during the ten years of comparative leisure, which a state even of the most active opposition will afford; and they must have come into office fully imbued with those sound principles, the enunciation of which has excited so much admiration on this side of the House, and has created so much surprise and alarm on the other. I think, therefore, that they who find fault with the Government on this ground, do so without any sufficient cause. I must, however, candidly confess, that in one respect the conduct of the Gentlemen opposite before they came into office is open to some slight degree of criticism. The right hon. Baronet the Member for Tamworth accused me on a former occasion of too much assurance; I am not going to retort the charge; I am going to complain on the contrary of his over modesty. I complain of the over modesty of the right hon. Baronet and his Colleagues, in this; that upon many occasions while they were out of power, when matters came under discussion in this House, to which the principles which they have lately avowed were plainly and fully applicable, their modesty, (for it was that no doubt,) prevented them from doing full justice to themselves; and that by practising an over-scrupulous reserve, they really concealed from the public the progress they had made in their studies in political economy. For instance, when we proposed a moderate reduction in the duty on foreign timber, they objected to the measure, chiefly upon grounds of technical form, instead of entering fully into the subject; and they did great injustice to themselves; because they led people to imagine that their objection to our proposal was, that it diminished too much the protection on British timber; whereas we now know by what we have seen them propose since they came into office, that their real objection was, not that our proposal went too far, but that it did not go half far enough, and did not give sufficient relief to all those branches of British industry, in the products of which timber forms an essential element. I do not like to weary the House by multiplying instances of this kind, but I may just refer to the intention which we announced last year of making a considerable reduction in the duty on foreign corn. To this the Gentlemen opposite expressed a decided objection; not indeed, as it now appears, because they thought a duty of 8*s.* a quarter on wheat, too low; for that seems to be the duty at which by their own measure they are willing that a large importation shall take place; though they preferred to get at that duty by a sliding-scale, instead of having it as a fixed point. But they did not then let us into the secret of their strongest objection. Now, however, we have found out what it was; and it appears, that, acting upon the good old country gentleman's adage of "Down corn, down horn," their real objection to our proposed reduction in the duty on corn was, that we had not announced our intention of accompanying it by a corresponding reduction in the duty on foreign cattle. I must say, then, that these Gentlemen have not done themselves justice; but, as we are thankful for the large admissions they have made, and for the liberal principles they have propounded, we will not cavil with them on smaller matters. As regards the commercial interests of the country, we are certainly indebted to the Government for having made this Session one of a very remarkable character. The measures, indeed, which have been proposed have fallen far short of the necessities of the country; far short of the wishes of this side of the House; far short of the principles on which they were founded and recommended. But a great step has been made in the right direction, when we have got a Tory Government speaking out as the present Government has done. This should inspire us with hope for the future, and make us endeavour to be content at present with what we have already gained. I cannot say, however, that in other respects the Government have much reason to congratulate themselves upon having fulfilled, during the present Session, the expectations which they held out at its commencement. What were the points connected with domestic affairs to which the Government, in the Speech from the Throne, invited the practical attention of Parliament? These points were—the deficiency of the revenue—the corn and provision laws—the bankruptcy law—improvements in the law concerning ecclesiastical jurisdiction—the law as to the registration of electors—and the distress in the manufacturing districts. Now, as to the financial deficiency, the first thing the Government did, was to increase it, by making a sacrifice of a large portion of the duty on foreign timber; a sacrifice unnecessary to such an extent, at the present moment; and which might have been delayed to a period of greater financial prosperity. But after increasing the deficiency, I must admit that they have supplied it, and with a vengeance, by their Income-tax. This tax will certainly be productive—more productive than the Government anticipates—in vexation and discontent; but all the money it produces must not be considered as clear gain to the revenue. At the outset we were told that people would save what they paid in Income-tax, by the greater cheapness of living, that was to be the consequence of the new tariff. But we were afterwards informed that the changes made in the tariff would not occasion any material reduction in the prices of the commodities which constitute the chief expense of living. If, however, those who have to pay the tax cannot save the amount of it, by a reduction in the cost of articles of consumption, they will endeavour to save it by diminishing the extent of their consumption; and the Government will not act wisely, if they do not reckon that some part of what they get by the Income-tax will be withdrawn from the produce of other taxes. The Income-tax, however, which is a measure all their own, being carried, I trust and hope it will have the effect of making good the deficiency in the revenue. The next point mentioned in the Speech from the Throne was the corn and provision laws, and I have already said that the measures proposed upon this subject by the Government, though insufficient, were no small step in the way of improvement. The next point was the law on bankruptcy, and it is curious to trace the course of the measure brought in by the Government on that subject. The Speech from the Throne was delivered on the 3rd of February, and it invited the attention of Parliament to the amendment of the law of bankruptcy. The present Government found the scheme of a bill upon this subject prepared by the late Lord Chancellor, Lord Cottenham. They had not much to do therefore, but to ascertain whether they approved of the bill as prepared; and if they did, to bring it in immediately. The bill was introduced into the House of Lords on the 18th February, not the whole bill as prepared by Lord Cottenham, for one important part of that bill was omitted; but the bill as brought in, contained much matter requiring the deliberate attention of Parliament; and this will readily be believed, when I remind the House that the bill, as sent down to us, consisted of from 90 to 100 clauses. Now, one complaint which was made against us by the Gentlemen opposite, when we were in office, was, that we did not make sufficient use of the legislative power of the House of Lords; that bills which might have been brought into that House early in the Session, were brought in here, and were delayed in this House till late in the Session; and that then, when Parliament was about to be prorogued, bills of the utmost importance were sent up in a heap to the House of Lords, when it was impossible that due time or deliberation could be bestowed upon them. Now, what use have the Gentlemen opposite made of the legislative power of the House of Lords? From the 18th of February to the 18th of July, a period of five months, this bill for the amendment of the bankruptcy laws, struck, I suppose, by the torpid influence of the genius Loci, remained in a state of suspended animation on the Table of the House of Lords. On the 18th of July the bill came down to this House; and then, in order to give it decent consideration, the House was obliged to meet at the unusual hour of twelve in the morning, while many learned Gentlemen, whose opinions would have been useful upon the bill, were necessarily absent on circuit; and if it had not been for the fortunate return of my right hon. and learned Friend near me (Sir Thomas Wilde), who is in himself a host, the bill would not have had the benefit of those improvements which are fresh in the recollection of the House. The next point was the ecclesiastical jurisdiction, and upon that, I believe, no measure has been submitted by the Government to either House of Parliament; it has been passed over altogether. The next point mentioned in the Queen's Speech was the registration of electors; and the words in which it was mentioned implied that the measure was to extend to every part of the United Kingdom. Upon this point we have not yet even seen what are the intentions of the Government; and of course all idea of legislation upon this matter in the present Session, is out of the question. But we are indulged with the hope of a statement, which may enable us, between this time and the next Session, to meditate upon the Government plan. One point, however, has been gained upon this subject during the present Session. For the right hon. Baronet in answer to a question put to him very early in the year, declared, that he would not, as Minister of the Crown, take upon himself the responsibility of bringing in the bill for the registration of electors in Ireland, which his noble Friend the Secretary for the Colonies was formerly so anxious to press upon this House. That undoubtedly is a step gained, because if we cannot know what we are to have, it is at least something to know what we are not to have. Then came the most important topic of all those referred to in the Speech from the Throne, namely, the distress in the country. That distress had also been adverted to, in the Speeches from the Throne in the preceding autumn. But not only have the Government proposed no effectual measure for the relief of that distress, but they are going to prorogue Parliament, leaving that distress more extensive, more severe, and harder to bear, than it was in the beginning of the Session, when they directed the attention of Parliament to it. When the Government, by the Speech from the Throne, called the attention of Parliament to the prevailing distress, everybody supposed that they intended to ask Parliament to adopt some legislative measure for the purpose of affording prompt and effectual relief. But nothing of the kind has been done, and the Advisers of the Crown seem to place their whole reliance upon the fine weather, and to think that the prospect of a good harvest is a sufficient excuse to them for doing nothing. I sincerely wish that their expectations in this respect may prove better founded than I fear they are. But I am sure of one thing, and that is, that if the distress augments, Ministers will be obliged to call Parliament together to take the matter into consideration; and I hope and trust, that if it should not augment, that fortitude which belongs to the British character, will enable the people to bear it for a while, confident as they must be, from what they have seen passing in this House during the present Session, that next year something must be done more effectually calculated to relieve their distress. As far then as regards domestic affairs, I see in the events of the present Session some topics of consolation; and at all events the language of the Government has been unexceptionable, although their acts have not entirely kept pace with their language. But with regard to foreign affairs, I am obliged to find fault, both with their language and with their conduct. To refer to former debates is, I am aware, irregular; but upon an occasion of this sort, when the Session is about to close, I may perhaps be permitted to advert to a charge made not only against me personally, but against the rest of the Government with which I had the honour to act. The noble Lord the Member for North Lancashire, is almost the only member of the present Government who, in the course of this Session, has said much upon foreign affairs. The noble Lord, on the occasion to which I allude, made a very good off-hand speech, for no man is a better off-hand debater than the noble Lord. But off-hand debaters are sometimes apt to say whatever may come into their heads on the spur of the moment, without stopping to consider, as they would do if they had time, whether what they are going to say is strictly consistent with the facts to which it applies. I remember to have heard of a celebrated Minister of a foreign country, who lived about the middle of the last century, who was giving instructions to one of his agents as to the language he should hold in regard to the conduct of another Government. The agent having listened to the instructions, ventured, with great humility and very submissively, to suggest, that the language which he was ordered to hold was not strictly consistent with fact, and might, indeed, be thought to be altogether at variance with fact. What was the minister's answer? "Never mind that! what in the world does that signify! it is a good thing to say, and take care you say it." That minister would, I think, have made not a bad off-hand debater in this House. However, I assure the noble Lord, that I don't accuse him of having, on the occasion to which I refer, or on any other, stated that which he believed to be inconsistent with fact. What I accuse him of is, speaking about facts, in regard to which he happened to be wholly uninformed. The noble Lord charged the late Government in general, and myself in particular, with having by our restless meddling in every part of the world, created for him and his Colleagues such embarrassments, political and commercial, that in every quarter they were met by difficulties arising from the work of our hands. That was his charge; and that charge I meet with an entire denial; and I shall be able to prove my denial, though the noble Lord did not stop to endeavour to prove his charge. I must say that the noble Lord's charge shows a great want of information on his part, as to the state of our foreign relations. It may be that the noble Lord and his Colleagues have been too busily occupied in their own departments to have leisure to ransack the archives of the Foreign Office to know what passed in our time; but then really, they who are so wholly uninformed, ought not to make such positive assertions. But the noble Lord's attack upon me and my Colleagues is an instance not only of great want of information, but also of the grossest ingratitude. So far from having left embarrassments to our successors, we have bequeathed to them facilities. Why, what have they been doing ever since they came into office? They have been living upon our leavings. They have been subsisting upon the broken victuals which they found upon our table. They are like a band of men who have made a forcible entrance into a dwelling, and who sit down and carouse upon the provisions they found in the larder. As to our home affairs, not a month has passed since the beginning of the Session that Ministers have not brought forward some measure which had been prepared by their predecessors; which, upon examination, they found good, and deserving of adoption, and which on that ground they have recommended to the House; and this applies not only to measures, but to smaller details. The adoption of our Hill Coolie clause in the Colonial Passengers' Bill, by the noble Lord for North Lancashire, who had opposed it before, is an instance of this; and again, the Vice-President of the Board of Trade, who used formerly to think the Bonded Corn Bill a bad and dangerous thing, has found, on closer examination, that it was a good and wholesome measure. With regard, then, to domestic affairs, it would really be wasting the time of the House to go into details to prove that we have bequeathed to our successors facilities instead of embarrassments; and as to our foreign affairs, it certainly does astonish me that members of the Government should attempt to represent, that in that respect we have left them embarrassments. I have already stated what the Speech from the Throne at the beginning of the Session said about our domestic affairs; now what did it contain about our foreign affairs? Setting apart that portion of the Speech which related to the happy event of the birth of the Prince of Wales, nearly one-half of the Speech was about foreign affairs; and we furnished the materials for nearly the whole of that. The Gentlemen opposite came into office the 3rd of September last, and the Speech from the Throne at the opening of this Session was delivered on the 3rd of February. Well then, it might be supposed that an active Government, with views of their own, would have so employed the interval, that when Parliament met, they should have something to tell of what they had done in foreign affairs. Not a bit. The whole of the foreign affairs portion of the Speech, with one single exception, was full of what had been done by their predecessors. But judging by the statement made by the noble Lord, the Member for North Lancashire, it might be supposed that this part of the Speech was made up of complaints of the many embarrassments which we had bequeathed them. No such thing. The Speech contained only expressions of satisfaction as to the past, and pleasing anticipations as to the future. It began by stating, that

> "It was with great satisfaction they informed us, that a treaty has been concluded with Austria, France, Prussia, and Russia, for the more effectual suppression of the slave-trade, which, when ratified, should be laid before us."

Now that treaty was certainly not signed by us, for reasons which, out of regard for other persons, I shall not go into: but that was not our fault, it was left by us ready for signature; and I believe that the treaty, as it was afterwards signed, differs in no material respect from the draft which he had negotiated. Here, then, is a treaty negotiated and brought to the point of conclusion by us, and afterwards signed by our successors, and announced by them as a subject of great satisfaction. This, I suppose, is one of the embarrassments which the noble Lord complained of, as having been bequeathed by us to her Majesty's present advisers.

The Speech then went on to mention, that another treaty had been concluded by England with the same powers, in conjunction with the Sultan. This was a treaty to which we had given the modest title of "a treaty respecting the straits of the Bosphorus and Dardanelles;" and her Majesty's present advisers might have announced it to Parliament in the words of the title which we had so given it. But they were delighted with the treaty; they considered it of great importance; and chose to give their own description of it. Accordingly, in the Speech from the Throne, they announced it as "a treaty having for its object the security of the Turkish empire," that is to say, the preservation of an essential element in the general balance of power, "and the maintenance of the peace of Europe." Here is another instance of the dangers and embarrassments which we bequeathed to them. The next paragraph in the Speech carried us to a more distant region, namely, Persia; and announced the restoration of our diplomatic intercourse with the court of Tehran. That diplomatic intercourse had been broken off on two grounds. First, on account of certain insults and outrages which had been committed by Persian authorities towards persons connected with our mission, and towards other individuals under British protection, and for which we had been obliged to demand satisfaction; and secondly, on account of the attempt made by the Shah to conquer Herat and the western part of Affghanistan; an attempt which it was essential for British interests in Asia, that we should prevent him from accomplishing. We succeeded on both points. We obtained full satisfaction for the insults and outrages for which we had demanded redress; and we compelled the Shah to abandon the siege of Herat, and to withdraw his army into his own territory. The reasons for the rupture of our diplomatic intercourse with the Shah having thus ceased, our diplomatic intercourse with him was renewed. But diplomatic intercourse loses much of its value if it is not attended with those friendly feelings on both sides, which are so essential to a good understanding between governments. Now, was our diplomatic intercourse, when thus renewed with Persia, deprived of that friendly character, by reason of the manner in which we had pressed and carried our points? No! The present Government are our witnesses as to this, and their Speech announced the restoration, not only of diplomatic, but of "friendly" intercourse with the court of Tehran. Another of the embarrassments bequeathed by the late Government to its successors! Everybody knows that we have of late years been carrying on a valuable and a growing trade with Persia; but that trade wanted security; we had no commercial treaty with Persia: as a consequence of the renewal of our diplomatic intercourse we obtained a commercial treaty, which by one or two short articles placed our commerce in Persia upon the footing of that of the most favoured nation. That was all we asked; that was all we could wish; but it was essential that this should be obtained; as by this means our commerce with Persia is placed on the same footing us that of Russia, and becomes entitled to the same securities and privileges. This treaty, I presume, is another of the embarrassments of which the noble Lord complains. Then comes that paragraph in the Speech which is the only one in regard to foreign affairs, which concerns the present Government. The Speech went on to say, that the Government is—

> "Engaged in negotiations with several powers, which it trusts, by leading to conventions founded on just principles of mutual advantage, may extend the trade and commerce of this country."

Were these negotiations, I ask, all begun by the present Government? Were not some of them, at least, negotiations which we had begun; and which we had carried on to various stages of progress, although various circumstances had prevented us, up to the time when we went out, from bringing them to a final conclusion? Why, one of these negotiations was with Portugal, and it has since ended in a treaty; and the right hon. Baronet in announcing the other day the conclusion of that treaty, fairly and handsomely stated it to be the result of the negotiations in which we had been long engaged with Portugal. I presume the other negotiations alluded to are with Spain, with Naples, and with Brazil; with all of which powers we had been in communication on these subjects. I hope her Majesty's present Government will be able to bring all these negotiations to a satisfactory issue; I shall be the last man to detract from their merit, if they do; but on the other hand it must be admitted, that our previous negotiations with these powers must have paved the way for our successors, and must have afforded them facilities. The next paragraph in the Speech contained an expression of regret, that they were "not enabled to announce the re-establishment of peaceful relations with the government of China." If they had said nothing but that, they might have had some pretence for asserting, that here at least was an embarrassment which we had left to them. But mark what followed! First, however, let me remind the House of what passed when the state of our affairs in China was brought under discussion in Parliament. When the right hon. Baronet, the Member for Dorchester (Sir J. Graham) made his motion in this House, no Member that I recollect, but certainly no Member of the present Cabinet, expressed an opinion, that our quarrel with China was unjust. Some other hon. Members, indeed, declared that it was just; but no leading Member of the then Opposition condemned our course on the ground of its injustice. What they dwelt upon was the danger and difficulty of carrying on a war at the antipodes against a nation of 350,000,000 of people. But if little or nothing was said in this House about the justice of the war, was nothing said about it in the other House of Parliament? Lord Stanhope made a motion which implied an opinion adverse to the justice of the war. The Duke of Wellington, as leader of the Opposition, moved the previous question; and in order to persuade the majority of the House to vote with him, he argued, that by agreeing to the previous question, they would avoid expressing any opinion one way or the other upon the justice of the war. This was a wise and prudent course for a Parliamentary tactician. But the honest and manly feelings of the warrior were more than a match for the Parliamentary tactician; and the just indignation of the Duke of Wellington was uncontrollable, and broke forth. The noble Duke declared, that he would not take upon himself the responsibility of advising the Queen to submit to insults and injuries such as never before had been endured by this country. He said he would prove it, if proof were required; and he added, that these insults and injuries were not only atrocious, but unprovoked; for speaking of the demands which had been made on Captain Elliot, he said, they were such, that it was Captain Elliot's duty to resist them, even to the shedding of the last drop of his blood; and that if Captain Elliot had yielded to them, he, the Duke of Wellington, would have been ashamed of the country which had given him birth. Such were the terms used by the Duke of Wellington, and they seem to me a pretty plain admission of the justice of the war. Now as to the dangers and difficulties of that war, which were so much dwelt upon in this House, what have they proved to be? Hear what the present Government say upon this subject in the next paragraph of the Speech.

> "The uniform success which has attended the operations against that power, and my confidence in the skill and gallantry of my naval and military forces, encourage the hope, on my part, that our differences with the government of China will be brought to an early termination."

It appears, then, that this dangerous and difficult enterprise has been attended with uniform success; and I presume, that this uniform success is not one of the embarrassments which we are asserted to have bequeathed to our unfortunate successors. But success may be uniform without being important or decisive; it may apply to small points, and to insignificant enterprises, without bringing us much nearer to any satisfactory result. Has this been the character of our success? Luckily we are supported on this point also by the Speech from the Throne; for it said, that our uniform success encourages the hope of an early termination. Here is another embarrassment in prospect! For the Government may soon have means to pay the claimants for the opium. But still, the termination, though "early," might not be satisfactory, and though it gave us indemnity for the past, it might not afford security for the future. Is this expected to be the case? Not in the least. The hope that they are encouraged to entertain, is a hope that the termination of the war, "not only will be early, but will place our commercial relations with China on a satisfactory basis." Now, Sir, I must say, that if the result of the operations planned and undertook against China, shall be, that by their uniform success, they shall have led to an early termination of the war, and shall have placed our future commercial relations with China upon a satisfactory basis, I hope and trust that her Majesty's Government may never, in the course of their official career, meet with any greater embarrassment than that, which we shall have bequeathed to them in this respect. But if we shall have succeeded in placing upon a satisfactory footing the future commercial relations of this country with a nation which I will not put at 350,000,000, because I believe that to be an exaggerated calculation, but which may perhaps amount to the sufficiently large number of 200,000,000, I say, that if we shall have succeeded in placing our commerce, with such a population as that, upon a satisfactory footing, we shall indeed have accomplished a great result. We produce a great variety of articles which they want, and they have an abundance of commodities which we should be glad to take in exchange; and if the effect of our policy shall be to secure to us this great and extensive opening for our trade, I am warranted in saying that this undertaking will have done more than any other single measure ever yet accomplished, for the advancement of our commercial prosperity. So much then for the Speech from the Throne, and in regard to that, at least, we bequeathed to our successors one facility; for we enabled them to make it. Without our doings to record, the foreign part of it would have been meagre indeed, for it must have been confined to the single paragraph about the negotiations going on for commercial treaties. Now what, let me ask have they been about since the Speech? Not a month has elapsed that they have not been laying upon the Table some Treaty or other concluded by us, but which it became their duty to present to Parliament. Their frequent walks for this purpose from the Table down to the Bar, and from the Bar back again to the Table, have really, I believe, constituted a great part of the exercise which, during the confinement of this laborious Session, they have been able to enjoy. No less than eleven of our treaties have they laid this Session upon the Table; five commercial ones, two political, and four for the suppression of the slave-trade. In this number of eleven, I include an agreement, which does not bear the title of treaty, but which is in fact a very important commercial convention—I mean the agreement with Denmark for the reduction of the Sound-tolls. These tolls had for a great length of time been higher than they ought to have been, according to the treaties of 1645, or of 1701, and the matter had been the subject of much negotiation between Sweden and Denmark, and between England and Denmark. After long arguments on both sides, the government of Denmark, to its great honour, yielded to reason, and agreed to appoint a commissioner to meet a commissioner from England to settle this matter. The commissioners met at Elsinore, and in August last they came to an agreement by which the Sound-duties were thenceforward to be reduced, so as to be in conformity with the ancient treaties; the principle of which was, that the maximum of duty should not exceed 1 per cent. on the value of the goods. That agreement will be of great importance, not only to our trade with the countries lying within the Baltic, but to our shipping interest. I should like to know when the present Government will lay upon the Table a similar agreement upon the similar question now pending with Hanover; I mean upon the Stade-tolls. The government of Hanover at present levies upon our commerce up the Elbe, duties much higher than are warranted by existing treaties; and not only are these duties much too high in amount, but they are levied with a vexatious diversity, and with a capricious uncertainty more grievous even than the amount itself. These tolls have been the subject of much controversy and we entered into negotiation with Hanover respecting them. We contended, and I think justly, that Hanover is not entitled to levy more than one sixteenth per cent., and we invited Hanover to appoint a commissioner, as Denmark had done, to meet a British commissioner, and to revise the tariff, so as to make it conformable with the ancient treaties. The Government of Hanover apparently consented, and the commissioners met at Hamburg; but to our surprise, we found that the Hanoverian commissioner was not authorized to adapt the tariff to the ancient treaties; but only to make a new tariff, founded neither on the old treaties, nor on the existing tariff. This at once brought the matter to a stand. But we urged the Hanoverian government to instruct their commissioner to go on with our commissioner upon the only basis which we could admit, and we gave that government plainly to understand that we would not permit it to continue to levy its present illegal duties on British commerce. What have the present Government done on this subject? What do they intend to do? I will tell them what I think they intend to do, and what I have been informed they intend to do. I am informed, and I believe, that they intend to sacrifice the rights of British subjects; to yield to Hanover; and to allow that government to levy upon British commerce, duties at least twice as high as Hanover is entitled to exact. I believe they have actually offered to the Hanoverian government to allow it to levy upon British trade, duties twice as high as that government has any right to claim. If that be so, then indeed the course which we pursued with regard to the Sound-tolls will be a source of considerable embarrassment to them. If they mean to sacrifice the rights and interests of Englishmen, out of deference and personal regard for the Sovereign who now happens to sit on the throne of Hanover, they will not only find considerable embarrassment arising out of our former acts, but I can tell them that we shall give them still further embarrassment when they shall be called upon hereafter to defend their conduct in this matter. But I still hope they will do no such thing; I still hope the negotiation may take a different turn. I hope that the Board of Trade, to whom, I understand this negotiation, as well as some others, has been handed over, according to the practice which seems to prevail now-a-days, will remember that it is a board specially appointed to watch over the interests of British commerce, and that it will not consent to any arrangement that shall not be founded upon a tariff in strict conformity with the ancient treaties; such being the only tariff that Hanover is entitled to maintain. I have said that five of our commercial treaties have been laid this Session upon the Table, besides two political ones, and four for the suppression of the slave-trade. But while I distinguish the latter from commercial treaties, let no man imagine that those treaties for the suppression of the slave-trade are valuable only as being calculated to promote the great interests of humanity, and as tending to rid mankind of a foul and detestable crime. Such is indeed their great object and their chief merit. But in this case, as in many others, virtue carries with it its own reward; and if the nations of the world could extirpate this abominable traffic, and if the vast population of Africa could by that means be left free to betake themselves to peaceful and innocent trade, the greatest commercial benefit would accrue not to England only, but to every civilized nation which engages in maritime commerce. These slave-trade treaties therefore are indirectly, treaties for the encouragement of commerce. I contend, then, not only that we helped the Government to make the Speech from the Throne, but that the Government have been employed during the whole of the Session in carrying the harvest of treaties of which we sowed the seed; and they have had an abundant crop. But let me ask what are, generally speaking, the means by which a Government can best promote the commercial interests of the country? and have we been deficient in employing those means? Why, first and foremost, I put the maintenance of peace; of peace, not only between this country and foreign nations, but peace between the other great powers of the world; for it is manifest that, if serious war rages anywhere, and especially a naval war, the interests of all commercial nations must be more or less affected thereby. Now in spite of every prediction to the contrary, we maintained peace for ten years. We maintained it in spite of many difficulties thrown in our way by Gentlemen belonging to the other side of the House; who, one after the other, endeavoured to magnify into importance every petty question that arose with other countries, and to embitter every trifling dispute; whether with Russia, with France, or with the United States; whether it related to a doubtful right; or to some question about a coal dépôt in Minorca; or to a chapel in Cuba; or to a pilot in the Gulph of Mexico; or to some blockade established by some foreign power. In spite of all these attempts, not always to be disregarded, to create ill feeling between this country and foreign powers, we did succeed in maintaining peace, during the whole time we had the honour to conduct the affairs of the country. We maintained it, moreover, without any sacrifice of British interests, and without any injury to our national honour; and I would appeal to any candid and impartial man to say, whether he could find anything to complain of, in the position which this country held among the other powers of the globe at the time when we quitted the Government. But not only did we maintain peace for ourselves, we were also frequently instrumental in preserving peace between other nations who had got into serious disputes. There were many instances of this kind of which the records will be found in the archives of the foreign office, when the hon. Gentlemen opposite have leisure during the recess to consult them. But I will mention in particular one instance of this kind:—I mean our successful mediation between France and the United States, when a serious difference had grown up between those two powers. That difference was one of a very grave character; for the Parliament of each country had mixed itself up with the dispute; and as it would have been difficult for either party to have receded with honour, war could scarcely have been avoided, if some third and friendly power had not been able to interpose. But there was no other power which at that time possessed in the same degree, that England did, the confidence and good will of both parties; accordingly we offered our mediation; it was accepted; and it proved entirely successful. But then it may be said, all this is very true; true it is, you preserved peace; but of what use is mere peace, to the commerce of this country, if you do not obtain by the stipulations of treaties, those securities which are necessary for the advantageous prosecution of trade? Were we idle, I ask, in this respect? We have been accused of restless activity, and of incessant meddling in regard to foreign affairs. I take the charge as a high compliment; and I admit it to be peculiarly just with respect to our proceedings about treaties of commerce. There are now in existence about eighteen treaties of commerce which were concluded before we came into office, in November 1830; including in that number the antient treaties with Tripoli, Tunis, and Morocco. We concluded fifteen more treaties; and two of them, the treaties with Austria and Turkey in 1838, are of considerable importance. There is one other also, to which I must for a moment direct the attention of the House; it is not entitled a treaty of commerce, but it deserves to be so described; and it is not only a treaty of commerce, but a treaty tending to secure the maintenance of peace. I allude to the Convention of 1839 with France, for regulating the boundaries of the fisheries of the two countries. It is well known that serious disputes, attended sometimes with collisions, and thereby endangering the good understanding between the two countries, had for many years prevailed between our fishermen and the fishermen of France. These disputes arose from the want of a properly defined boundary for the oyster fishery between Jersey and the coast of France, and from the interference of the fishermen of the two nations with each other, on the coasts of the two countries generally. These questions had remained open ever since the Peace of 1815, and successive Governments had vainly endeavoured to settle them. We settled those questions; we concluded a Convention which accurately determined all those limits; and if it has not entirely prevented a recurrence of all disputes, it has at least given to the two Governments a distinct and positive rule by which the merits of each case of difference can be at once ascertained, so that irregularities on either side may be controlled and punished. That treaty contained an article which declared that the right of fishery in the sea, within three miles of low water mark on the coast of each country, is the exclusive privilege of the fishermen of each country respectively; and by another article, the stipulations of which have not yet been fully executed, it was agreed that a commissioner should be appointed by each Government, and that these commissioners should frame regulations for the guidance of the fishermen of the two countries when they meet each other on the sea, beyond the three mile limit from the two coasts, and therefore beyond the jurisdiction of either country. When we left office these regulations had not been quite completed; there was, however, only one material point on which a difference between the two commissioners existed, and that point being of some importance, I will explain it. The French commissioner was anxious to obtain for French fishing vessels permission to anchor and station themselves, in our ports, and on our coasts, within the three mile limit: in order that they might be ready to start frem thence from time to time, as occasion served, to fish in the sea, beyond that limit. At the first blush of the thing, there did not seem to be any very strong reason why we should not agree to this request. But, on further consideration, we thought that such a permission would lead practically to constant evasions of the stipulation which acknowledged our exclusive right of fishing within the three mile limit; and that such stipulation would in this manner be defeated. And, moreover, it became evident, that one of the chief motives which led the French commissioner to press this request was, a desire on the part of his government, that the French fishery on the coast of England should become a nursery for sailors to man the navy of France. Now to that I objected. I do not know whether the present Government has done so too or not; but I hope they have. I hope they will not, under the specious plea of international comity, agree to a stipulation which would be politically injurious to us. I now come to the treaties for the suppression of the slave-trade. Of these there were ten in existence when we came into office. We concluded sixteen additional ones; and there is this distinction between those which we concluded, and those which had been concluded by our predecessors; that our treaties contain better and more effectual stipulations, than are to be found in the former treaties. I say, then, that I am entitled to assert, that as regards the maintenance of peace and the securities to be obtained for commerce by treaties, we exerted ourselves successfully in support of the great interests of the country, and that we bequeathed to our successors facilities, and not embarrassments. But, it may be said, that treaties are very good things, if they are faithfully executed; but that if they are violated, they are no more than waste paper; and it is certainly true, that in remote parts of distant countries, such for instance, as the South American republics, where the power of the central government is weak, the local authorities are apt to abuse their power; to disregard the rights of foreign merchants; and to commit acts giving rise to complaints, and necessarily requiring demands for redress. A considerable portion of the correspondence of the Foreign Office, relates to matters of this kind. Speaking generally, and from recollection, I may, I believe, venture to say, that with one particular exception, we succeeded in almost every case of this kind that happened in our time, in obtaining satisfaction. Indeed, so well was the character of the British Government in this respect known, that it was observed upon by the king of Persia, as appears by a despatch which was laid upon the Table of this House. The king of Persia was asking the British Minister in Persia to request the British Government to compel a British merchant residing in England, and who had become bankrupt, to pay a debt due to a Persian subject; and upon its being represented to him that the thing was impossible, "Why how is this? If the meanest British subject sustains an injury in any part of the world, the British Government always obtains for him redress, and is it not strange that you cannot give me redress, when one of my subjects has a just demand upon one of yours!" The instance to which I just now alluded, as the one in which we had not, when we went out, succeeded in obtaining redress, was the claim for losses sustained by British subjects at Portendic; a claim which was again brought the other day under the notice of the House. Those who have now the management of affairs will admit, that our want of success arose from difficulties inherent in the matter, and not from want of exertion on our part; I hope the present Government will be more suceessful than we were in overcoming those difficulties; and I will not add to those difficulties by any further remark at the present moment. I say, then, that with regard to the maintenance of peace; to the conclusion of treaties, and to attention in watching over the execution of treaties; we are not open to any just imputation. But the Members of the present Government have not confined themselves to general accusations, they have descended to particulars. Said the noble Lord for North Lancashire (Lord Stanley), "You bequeathed to us embarrassments in North America; you left us unsettled quesions, which had grown up under your administration of affairs." Now, what are these questions? Why, first, there is the Boundary question. Did that grow up in our time? Why it grew up long before the noble Lord grew up; it grew up before he was born or thought of; it grew up out of the treaty of 1783. True, we did not settle that question; but did we create embarrassments, or afford facilities for its settlement? What is that question? The question is, how you are to apply to the natural features of the country certain words of the treaty of 1783. The words are, in substance, that a part of the boundary between the United States, and the British North American provinces, is to consist of a line drawn due north, from the head of the river St. Croix, until it meets certain highlands; and then, by a line drawn westward from that north line, and along those highlands, to the head of the Connecticut river. It was thought for a long while, and by many, and I acknowledge, that I shared in the opinion, that there was an inherent incompatibility between the words of the treaty and the features of the country; and that no line could be drawn, which would properly correspond with both. What did we do? In January, 1831, about two months after we came in, we received the award of the King of the Netherlands, upon a reference which had been made to him by the British and American Governments in the time of our predecessors. We knew little of the matter, but what we found recorded in our offices. The King of the Netherlands declared, that neither our claim, nor that of the United States, could be reconciled with the words of the treaty, and the features of the country, and he recommended a conventional line. This line was extremely disadvantageous to England, to whom it gave hardly one-third of the territory in dispute, but under all the circumstances of the case, we thought ourselves bound to accept it, and we signified our readiness to do so. Fortunately, the Americans refused it; and, after a time, we declared to them that we were no longer bound by our offer, and should never again agree to so disadvantageous a line. At a later period, we offered to the United States to settle the question, by what appeared to us a fair arrangement; to divide the disputed territory in equal portions between the two parties, making the St. John river the boundary; England retaining all that lies to the north of that river, and the United States taking the land to the south of it, as far eastward as the due north line. We made that offer as a fair one, not knowing at that time the full merits of our own case. That offer was refused; and then, as a reference seemed to be the only course left, we did that, as a preparation for a reference, which no other Government before us, had ever thought of doing; we set to work to have the disputed territory explored and surveyed. The words of the treaty were clear enough, but nobody seemed to know much about the real features of the country. Accordingly we sent two commissioners, Colonel Mudge, and Mr. Featherstonhaugh, to examine the country, and to see whether, and how, the words of the treaty could be applied to it. Those commissioners were to examine the line claimed by England, and they made their report two years ago. That report proved that the line claimed by us, is perfectly consistent with the words of the treaty, and with the features of the country; inasmuch as from the point at which our line strikes off westward from the due north line, it does run along a chain of well-defined highlands; which chain continues on to the head of the Connecticut river. It was very satisfactory to find that our claim could thus be maintained by a strict application of the words of the treaty to the features of the country. But this proof was evidently incomplete; because it might possibly happen, that the line claimed by the Americans might be found upon examination to fulfil also in the same degree that our's does, the conditions of the treaty. We determined to ascertain how this matter stood; and we accordingly sent out a second commission to explore and examine the line claimed by the United States. That commission returned last winter, and have made a report, which the right hon. Baronet has been so obliging as to show me, and which I understand is now in the hands of the Members of the House; and it will be seen by that report, that the line claimed by the United States, does not fulfil the conditions required by the treaty, and is not consistent with the words of that treaty, and with the features of the country. That line, like ours, strikes off to the westward from the due north line, but at a point much further north. Like ours it goes along a range of highlands, though not very well marked or continuous. But that range of hills, instead of leading, as the treaty requires, to the source of the Connecticut river, passes five-and-twenty miles wide of that source, and is separated from it by an extensive tract of swampy plain, which by no possible force of imagination can be looked upon as a ridge of highlands. I say, therefore, that during our Administration we established two most important facts; first, that the line claimed by England is strictly conformable with the words of the treaty, and with the features of the country; and, secondly, that the line claimed by the United States is not consistent with the words of the treaty, and with the features of the country. The establishment of these two facts ought to afford a great facility to the present Government in their endeavours to settle the matter in dispute, if they wish to maintain the rights and interests of their country; but it may be an embarrassment to the present Government, if what we read in the American newspapers be true. These newspapers are certainly doubtful and uncertain authorities; but if the fact be, as therein asserted, that Ministers are about to make great concessions to the United States; if the fact be, that as in the case of the Stade Duties, they are about to sacrifice the rights and interests of their country for their own temporary convenience, they may very reasonably assert that the advance which we had made in establishing by proof, the justice of the British claim, will be to them a source of very great embarrassment. I hope for better things. I will not as yet believe that an arrangement so dishonourable for England will be carried into effect, or that it can have been proposed by her Majesty's Government. I say proposed by her Majesty's Government, because if the reports to which I allude are true, those proposals have already been met by the return which undue concession is sure to produce, and have been followed up by increased demands on the other side. If we were making with the American Government the very last arrangement which we could ever have to make with that or any other government, it might possibly be worth while, for the sake of a final settlement, to submit to considerable sacrifices; but when we know that question after question must arise, that one surrender of national rights only leads to demands for further surrenders, such a course as that which the Government is said to be pursuing, may indeed relieve them from the difficulties of the moment, but must in the end involve us in difficulties ten times greater. Another question to which the noble Lord alluded was, I presume, the question about the destruction of the Caroline, and this certainly did grow up in our time, not by any act of ours, but by the spontaneous, though perfectly justifiable, act of our local authorities in Canada. But we had settled that question, at least so far as we could do so, by stating formally and officially to the United States' government, that we considered the destruction of that vessel a justifiable act of self-defence, for which neither apology nor compensation could properly be required. I know not whether the present Government have taken the same view of this matter that we did, acting upon the opinion of the law-officers of the Crown; but in any case the answer which we gave can be no embarrassment, but on the contrary must be a facility to them; for even if they should feel disposed to take any conciliatory step on this matter, such a step would come from them with a better grace in consequence of our having made a previous declaration of principle. The third question alluded to by the noble Lord is the question, not as to a right of search, for we claimed no such right; but as to the right we claimed for our cruizers employed on the coast of Africa for the suppression of the slave-trade, to ascertain by an inspection of papers, whether a vessel suspected of slave-trade really belongs to the country whose flag she may choose for the moment to hoist. That question also grew up in our time, out of what I consider an unjust pretension of the American government; we denied that pretension, and answered it with the best arguments and reasons which occurred to us. And what has been the course of the present Government upon this matter? has their view of the matter been different from ours? quite the contrary. They adopted our arguments one and all. They stated them, I am ready to admit, with more ability, and perhaps with greater clearness; for I am bound to say that I never read a more able note than that which Lord Aberdeen addressed to the American minister on this subject. But the arguments in that note were substantially ours. Therefore, instead of our having in this matter created embarrassments for our successors, we had previously taken up for them the ground upon which they afterwards planted their own standard. So much for the questions in North America. But the noble Lord slightly shadowed out something about blockades. He hinted at something of the kind, but did not specify what he meant. There was, to be sure, the other day, a trumpery blockade of the port of Carthagena, in New Grenada, by some insurgent force, which was speedily raised by one of our ships of war, at the request of the consul-general whom we had sent out, and who acted in this matter at once, and upon his own responsibility. There have also, I believe, been some trifling blockades on the coast of the Pacific, arising out of disputes between the Chilians and Peruvians, for which we are in no way answerable. But there were blockades in America during our time, which were of importance; I mean the French blockades of Mexico and of Buenos Ayres. These were two serious blockades ; they interfered much with our commerce ; so much so, that some of the Gentlemen opposite gave us to understand that those blockades were established by the French government, not so much for vindicating the honour of France, as for injuring the commerce of England. That was one instance of the way in which they helped us to maintain a good feeling between this country and other powers. On that occasion, however, that restless activity which was always prompting us to meddle with the affairs of other countries, was again brought into play ; we tendered our good offices as mediators between France and Mexico, and between France and Buenos Ayres. Our offers were accepted. In the case of Mexico our mediation took a more formal character ; in the case of Buenos Ayres it was in the informal shape of good offices. In each case our restless activity succeeded, and peace was restored between France and these republics ; and British commerce was in each case relieved much sooner than it otherwise would have been, from the serious inconvenience and injury which it suffered from these blockades. Another instance this, I presume, of the multifarious embarrassments which we bequeathed to our successors. Well, Sir, another way in which a government may assist the commerce of the country, is by opening new markets for our trade. Did we do that? I say we did. I have mentioned, on former occasions, the establishments which we formed at Tadjoura on the coast of Abyssinia, and at Aden on the coast of Arabia. The Gentlemen opposite affected to treat these establishments lightly; and talked sneeringly of our attempts to extend our commerce into the wilds of Abyssinia, and the deserts of Arabia. Why, do those who thus deride our measures, know that the finest coffee in the world, that, namely, which has hitherto borne the name of Mocha, only because it was shipped at that insignificant port in the Red Sea, grows in the greatest abundance in those Abyssinian wilds, and in those Arabian deserts; and that those wilds and those deserts are inhabited by a numerous population, wanting many things which we can supply, and able to give us valuable commodities in return? I do not mean to say, that these establishments have yet reached to any great importance; but I am sure that in process of time, they will lead to a considerable increase of our commerce. But the largest augmentation of our commerce, for which we have laid the foundation, is that to which I have already adverted, as being certain to take place in China, when that early and satisfactory arrangement shall have been made with the Chinese government, which her Majesty's Ministers announced to us in the Speech from the Throne. Another new and vast opening for our commerce will be afforded, by the great operations which we undertook in the countries to the west of the Indus. These great measures may be made the subject of derision by men who never heard of such places as Caubul and Candahar till they read of them in our despatches; and who, before the glorious exploit of Lord Keane, could not have told us whether Ghuznee was an inland fortress or a seaport town. Such Gentlemen may laugh at things which they do not understand; but their laughter cannot deprive the people of England of their good sense; nor make that trivial and unimportant, which is really of the utmost consequence. I may again be accused of assurance in boasting of these matters, but I presume no man will deny that, if we retain our military and political position in those countries and passes, which command the navigation of the Indus, a river navigable for more than 1200 miles from its mouth, and traversing regions inhabited by numerous nations, who, if internal tranquillity were secured to them by good Government, would afford a vast market for our manufactures; no man can doubt, that if we do this, we shall obtain a great additional opening for our commerce. I say, that no rational man, no man at least, who possesses any other of the attributes which distinguish the human race from the inferior animals, except laughter, would treat these matters otherwise than as being of the highest importance. We were told, however, that it is great assurance on my part to assert that we obtained for our Indian empire the barrier of Affghanistan. I conclude, that this charge had reference to the disasters which had lately happened in that quarter; and that what was meant was, that although we had at first got possession of that barrier, yet by subsequent events, a part of what we had so gained had been lost. But I say, that these recent losses and disasters had nothing whatever to do with the original policy of the war, and are no proof whatever that we did not judiciously adapt our means to the end that was to be accomplished. I do not like to throw blame hastily on any man, and still less to throw blame indiscriminately without knowing whether it may fall on the right persons or not. But in a matter of such great importance, one must speak out; and I cannot refrain from saying, that if the most ordinary military precautions had been taken; if the force of 6,000 or 8,000 men, which we had in, and near Caubul, had been stationed in a fortified position, the Bala Hissar, or any other stronghold, well provided with artillery, and with sufficient magazines of provisions and ammunition within their defences, they might have bid defiance not only to the Affghans of Caubul, but to the united forces of all Central Asia. They would have maintained themselves in Caubul with as much success as the gallant Sir Robert Sale has done, with a much inferior force, and with far greater difficulties to contend with, in his noble and heroic defence of Jellallabad. If proper precautions had been taken, none of these disasters would have happened, and we should have occupied Caubul at the present moment, with the same ease and security with which we held it during the two years that elapsed between our first occupation of it and the disasters of last winter. I was much struck with the answer given by the right hon. Baronet, to the question which I put to him on this subject the other day. I was struck with it, not on account of what he said, but on account of what he left unsaid. The matter to which my question related is deeply interesting, both as affecting the honour of the country and as bearing upon the security of our Indian empire, not only by its direct military consequences, but by its moral effect upon that public opinion, which the right hon. Baronet truly said on a former occasion, is an essential element of our political power in Asia. The question I put was, whether any order had been given by the Governor-general of India for the withdrawal of our troops from the countries, west of the Indus; and I expressed a hope that the right hon. Baronet would be able to say, that there was not the slightest foundation for the reports to that effect, which had come by the last Indian mail. The answer of the right hon. Baronet was, that Candahar and Jellallabad are now occupied by our troops, and that no immediate retirement of those troops is in contemplation. I say that this answer was an admission that such orders had been given. It must be so understood. It is susceptible of no other interpretation. It must be taken as an acknowledgment that such orders were given; and I must say that I do congratulate the country upon the cause, whatever it may have been, whether a lucky misunderstanding of orders, or a fortunate and timely arrival of an overland despatch, which saved us from the eternal disgrace, which would have befallen us by such an evacuation of that country. I cannot conceive a fouler dishonour, I cannot fancy anything that would have dyed the cheek of every Englishman, with a deeper blush, or that would have struck a more fatal blow at our Indian power, than a flight from Affghanistan, in the circumstances under which that order of the Governor-general was issued. The future, I hope, is in the hands of the Government at home. I hope that no discretion on such matters will be left in a quarter where discretionary power has been so greatly misused. It is for the Government at home to consider what persons can be depended upon, to carry on the public service on foreign stations; but the more distant the station, and the greater the interests concerned, the more incumbent it is on the Government to see that the persons in whom discretionary powers are vested, are men who will use those powers for the interests of the country, and in conformity with the views and intentions of the Government at home. I do trust, and I cannot refrain from expressing my feelings on the present occasion, that her Majesty's Government will not carry into effect either now, or at any future time, such a measure as that which was contemplated by the Governor-general. It was all very well, when we were in power, and when it suited the purposes of the other party, to run down anything we had done, and to represent as valueless any acquisition which we prided ourselves upon having obtained; it was all very well at that time to raise a cry against the expedition into Affghanistan, and to depreciate the advantages, military, commercial, and political, which the occupation of that country is calculated to afford us. But now that the party contest at home is over, I trust that the Government will rise above all such considerations. That they will give the matter a fair, dispassionate, and deliberate consideration; that they will form no hasty determinations, and take no precipitate and irrevocable steps. I never was more convinced of anything in my life than I am, that important interests of this country, commercial and political, will be sacrificed if we abandon our position in Affghanistan. Rely upon it, that if you abandon that country it will get into other hands; and though you may, by such a course, escape from some little present difficulty, and save some little present expense, the day will come when you will be compelled to re-occupy that country at an infinitely greater expenditure of money, and at an infinitely greater sacrifice of life than would enable you now to retain it. Well, Sir, however, when I claim credit for the Government to which I belonged for having protected commerce, I may be asked how commerce has thriven during the time we were in office. It may be said that all I have stated as to peace, and treaties, and more extended fields for trade may be very true, but that we ought to come to the test of figures. I am content to place the question on that issue. I have here an extract from the returns of commerce, published by the Board of Trade, for each year from 1831 to 1840, both inclusive; and in the aggregate though not in detail for 1841. From these returns it appears, that the declared or real value of the whole of our exports to all parts of the world, was, omitting fractional sums, in 1831, 37,000,000*l.*; in 1832, 36,000,000*l.*; in 1833, 39,000,000*l.*; in 1834, 41,000,000*l.*; in 1835, 47,000,000*l.*; in 1836, 53,000,000*l.*; in 1837, 42,000,000*l.*; in 1838, 50,000,000*l.*; in 1839, 53,000,000*l.*; in 1840, 51,000,000*l.*; and in 1841, 51,000,000*l.* Therefore during our Administration from 1831 to 1840, both years included, the total value of our exports to foreign countries rose from 37,000,000*l.* to 51,000,000*l.*, being an increase of 14,000,000*l.* in the ten years. I say that this is a conclusive proof that our restless activity, and incessant meddling produced no injury, but on the contrary much benefit to the commercial interests of the country; and that in this respect we have left, not embarrassments but facilities to our successors. I have stated the aggregate amount of our exports to all countries: but I will now take our exports to two parts of the world which have been materially affected by our policy; and our operations in which, have been the subject of much criticism; I mean Turkey and Syria on the one hand, and the East Indies and China on the other. The value of our exports to Turkey, Syria, and Palestine, amounted in 1831 to 838,000*l.*; the value of our exports to those countries in 1840 rose to 1,461,000*l.* Therefore, in spite of our interference in those countries, which was not only censured by the noble Lord opposite, but not quite approved of by some of my hon. Friends on this side, our trade to those countries increased by 600,000*l.* during the ten years. Now as to India and China; we have been told that our military operations in those quarters had entirely put a stop to trade, and that our commerce with those countries has been wholly paralyzed; and this was put forward as one reason for the Income-tax. But what is really the case as to our trade to those parts? Why, the total value of our exports to the East Indies and China amounted in 1831 to 3,377,000*l.*, and in 1840 to 6,541,000*l.*, having nearly doubled during the ten years, in spite of the great operations which we carried on in those quarters. I say then that with regard to our home affairs, the prospect is rather cheering than otherwise; for we have now a Government pledged and committed to the principles of free-trade; and for their own sakes, as well as for the interests of the country, bound to carry those principles into full execution if they can. They cannot now recede or stand still, they must go on. But the country has the satisfaction of knowing that they have a Government, not only professing and deeply imbued with free-trade principles, but supported by an overwhelming majority in the House of Lords, and commanding a great majority in the House of Commons; and able therefore to carry any measures which they may think necessary. And the country has farther the satisfaction of knowing, that if by any accident this Government should be deserted by any powerful body of its own friends, in its attempts to carry its great principles into practice; the Opposition of the present day, unlike the Opposition of a former period, which prided itself upon obstructing improvement, will cordially and honestly support the Government in its progressive course; and will assist the right hon. Baronet, even when he is deserted by his own friends, in carrying his liberal principles into full and complete effect. I say, then, that the prospect of our home affairs is cheering. As to our foreign affairs, I look on them with considerable apprehension; because I fear the Government is acting upon a system of timidity, apathy, concession, and submission. I am afraid that whether they have to deal with the King of Hanover, or with the French Fishery Commissioners; with the United States, or with Akbar Khan, in every part of the world they are prepared to act upon a system of submission, which will be as fatal to the best interests of the country, as it is inconsistent with, and derogatory to, our honour. But let the Government be assured that if there is an Opposition ready to support them in internal improvement, there is also an Opposition that will watch with unceasing vigilance and jealousy every symptom of a system of Foreign Policy that will injuriously affect the interest and the honour of the country. We are about to enter upon a long recess, during which the affairs of the country, but more especially our foreign affairs, are left to the unquestioned discretion of the Executive Government; but let them not expect that when they come before us next Sesssion, and tell us that certain things have been done and concluded, we shall be disposed to accept those things however badly done and concluded, merely because they have been concluded and done. Let the Government be assured that if they lower the position in which the country was placed when its affairs were committed to their hands; if they sacrifice those interests which we maintained; for such dereliction of duty they will infallibly be called to account. They ought to remember that those conjunctures and combinations of circumstances, by which British interests may be affected, must be attended to in time; and that a Government should always be looking ahead; for if we let events get the start of us, we vainly endeavour to overtake them. The Government ought to feel, that it is only by steadily insisting on our rights when the first attempt is made to encroach upon them, that more serious invasions of those rights can be prevented; we ought to ask nothing but what is just, but we should yield to no unjust demand from others; we should encroach on no one, but we should allow no one to encroach on us. If the Government do not take their stand upon such grounds, whatever inconvenience they may find in doing so, they may indeed smooth their way for the moment, but in the end they will find their path beset with insurmountable difficulties; and they will bring discredit on themselves, and irremediable injury upon their country. Sir, I now conclude by moving "A Return of the Names and Titles of all Bills," &c. &c.

Sir *Robert Peel*:* I rise to second this motion, this lame and impotent conclusion to the speech of the noble Lord. After questioning every act of the Government, after impeaching all their policy, the noble Lord contents himself with moving for some details about the dates and titles of bills, about which no man cares a straw. And the noble Lord has not even the merit of originality for his motion. He is a humble follower in the footsteps of a gallant Member on this side of the House (Colonel Sibthorp), and has not the candour to acknowledge the plagiarism he has committed. Read the noble Lord's notice, and compare it with the motion of last year of the Member for Lincoln. You will find one literally copied from the other, and that the noble Lord's great practical achievement of to-night will be to complete for 1842 Colonel Sibthorp's returns for 1841. I am grateful to the noble Lord for the performance of this very useful but somewhat humble duty, I am grateful to him for enabling the public to draw a contrast between the imperfect, bungling efforts at legislation of himself and his Colleagues, and the extent and value of the comprehensive measures proposed by the present Government, which have received the sanction of Parliament in this Session. The noble Lord commenced his speech by an historical review of the state of parties and public questions since the signature of the definitive treaty of peace.

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* From a corrected Report.

With respect to the Catholic question, I have no complaint to make of the noble Lord's observations. I acknowledge the fairness with which the noble Lord, on this as on former occasions, has done justice to the motives which influenced my noble Friend the Duke of Wellington and myself in bringing forward that measure. Whether the panegyric he made on the course we pursued was not greater than our merits, it is not for me to determine; he did but justice, however, to the motives which influenced us in attempting to settle the Catholic question. The result of that attempt must have been perfectly obvious to us. We could not have failed to foresee that it must withdraw from us the confidence of many of our supporters, and entail the loss of power: we cheerfully submitted to that sacrifice, in obedience to a sense of public duty. The noble Lord referred, in the next place, to the question of Parliamentary Reform. He observed, that chiefly on account of the events in Paris of July, 1830, and the revolution that followed them in France, a great comprehensive measure of reform became unavoidable in this country. Surely, when the noble Lord calmly reflects on his own conduct in reference to reform (conduct influenced throughout, I doubt not, by honourable motives), he ought to view with toleration the changes of opinion of others. The noble Lord, for the long period of twenty years, was the zealous partisan of Perceval, of Castlereagh, of Canning: up to the year 1827, up to the death of Mr. Canning, the determined unvarying enemy of Parliamentary Reform, of reform to every extent, and in every shape, the noble Lord was the faithful follower of Mr. Canning. In 1830 he became the equally faithful follower of Earl Grey—the determined, unvarying advocate of reform. Did the noble Lord, during the lifetime of Mr. Canning, see nothing in the circumstances of the times —in the progress of events, which indicated the approaching necessity of great constitutional changes? Did he see nothing to convince him that it was prudent to anticipate popular demands, and by timely and moderate concessions to avert the necessity for dangerous innovations? If he did not, let him forgive the fallible judgment of others on other questions, and put a charitable construction on their blindness. Nay, if the noble Lord was perfectly justified in his strenuous opposition to reform up to the death of Mr. Canning, and in his strenuous support of it after the accession of Earl Grey—if some sudden unforeseen contingency, not within the scope of human foresight (such as the Revolution in France of 1830), justified and demanded this change of opinion on the part of the noble Lord, I may feel, as I do feel, convinced of the purity of his motives; but I feel, also, that harsh and intolerant criticisms on the versatile opinions of others proceed with a very bad grace from the noble Lord. The noble Lord said, that when the great question of Reform was carried, it was clearly necessary to adopt new principles of commercial policy. Sir, I deny that the necessity for liberal principles of commercial policy originated with the change in the representation of the people. I deny altogether that the adoption of these principles originated with Parliamentary Reform. Mr. Huskisson and others entered into these views of commercial policy, and practically enforced them. You cannot date the relaxation of restrictions, and the abolition of monopoly, from the period at which Parliamentary Reform took place. For ten years previously to the Reform Bill, more important changes were effected in our commercial policy than for the ten years succeeding that epoch. But if you are right—if from Parliamentary Reform there arose the necessity for commercial improvements—if that be true, then the noble Lord passes the most severe censure on those to whom the Reform Bill gave political power. They were strong in power; they were convinced of the truth of certain doctrines; they were convinced that the practical application of them was necessary to the public interest, and yet they let their principles lie dormant, without an effort to awaken them. Nay, more, according to your own showing, the combination of circumstances, and the nature and necessary consequences of great constitutional changes, enforced the policy of immediate action. In respect of commercial reform, doctrines abstractedly and universally true, doctrines suited to all times and to all circumstances, came specially recommended by the character of those times, and the special nature of those circumstances; and yet, with every advantage, you, who were convinced of certain truths, who were able to enforce them, who were powerful enough to trample down all opposition (the complexion of the times and the fortuitous concurrence of events proclaiming to you that the time for action had arrived), you did nothing to advance the cause of commercial reform. And then, when the time had passed away, when you were in the hour of dissolution, like sorry penitents you remembered, in the days of your decay, the principles you had forgotten or neglected in the time of your strength; and you threw discredit upon the principles themselves, by trying to make them subservient, not to the promotion of the public weal, but to the rescue of a tottering administration. Nay, at an earlier period, when your power began to fail, when the public began to withdraw their confidence, when there might still have been a decent adoption of a liberal commercial policy, you did not invoke its aid for your deliverance. It was not till your days were numbered, when it was convenient to yourselves that you should appear martyrs in the cause of free-trade, that you demonstrated any zeal in the enforcement of its principles. The noble Lord taunts us with the support of the Bonded Corn Bill, and exults in the passing of it as a tardy triumph of the principles of the late Government. Did that Government propose the bill? Did that Government, as a Government, lend a cordial support to the measure when it was introduced in 1836 or 1837? When Mr. Robinson, the Member for Worcester, first introduced the measure, when he asked in 1835 merely for a committee to inquire into the policy of admitting bonded corn into consumption, was not that motion actually opposed by the late Government? Then the sugar duties. When did you become converts to the policy of admitting foreign sugar at a low rate of duty? Was it not at the very period when you had lost all power and authority in this House? In 1841, you proposed the admission of foreign sugar; you ridiculed the arguments of those who opposed it; you could see nothing but hypocrisy in the motives of those who feared that the admission of foreign sugar, without the attempt to make stipulations in respect to slavery, might encourage the slave-trade, and aggravate the horrors of slavery. You had no mercy on your opponents in 1841. But in 1839, when it was proposed that the duties on foreign sugar should be reduced from 63*s.* to 34*s.* per cwt., when every argument on which you subsequently relied was adduced in favour of the proposal—you opposed the reduction of duty. When the price of sugar was unusually high, you opposed it with all the weight of the Government; you rejected it by a majority of 122 to 27; and you assigned as your reason for opposing the reduction that you could make no distinction between sugar, the produce of slave-labour, and sugar the produce of free-labour, and that you were unwilling to inundate the British market with sugar the produce of slave-labour. Now I ask you, in return for the question of the noble Lord, when did you become proficients in the doctrines of Adam Smith and Ricardo? Did you become their disciples before that day, when the profession of their principles might possibly save your administration, or, if that were impossible, might diminish the discredit of your failure? The noble Lord has professed to review some of the principal measures of the Session. He began with those announced in the Speech from the Throne—the alterations in the tariff, and in the corn and provision laws. He would insinuate, that I have deluded my supporters by the extent and importance of the alterations which have been made in those laws. Is that the charge which the noble Lord prefers? From one section of his supporters I have uniformly heard a very different one; namely, that the alteration in the Corn-laws is not important, and not extensive—that there has been certainly deception and delusion; but deception and delusion practised, not on the agricultural interest, but on the great body of consumers—that the present Corn-law is no better than the old one, and that the admission of foreign cattle and foreign meat will be of no practical advantage, These charges cannot both be true; and, in fact, both are without foundation. I have deceived no one. I have adopted no principles of Government which I did not profess in opposition. When in opposition was I not constantly told that the support given to me was a reluctant and hollow support; that my supporters disapproved of my moderation, of my leanings towards commercial freedom? When I took office in 1835, did I not make a public declaration of the principles on which I should act? and in what particular have I departed from them in 1842? The noble Lord says, that we were mistaken by our friends, and that the mistake was theirs; that we, during all the time of our opposition to the Government, held good principles, but, holding them in silence, we astonished our friends when we avowed and acted upon them in office. We must, in truth, have held them, he says; for we could not, according to the Indian superstition, have inherited the principles, because we occupied the seats of our opponents. We did not find these good principles, says the noble Lord, or the measures founded upon them, in the red boxes of the late Ministers. No one can contest that truth. Never was an observation more just. There was not, I willingly admit, one trace left by the late Government of their intentions with regard to the tariff. They may have been excellent, but we discovered no evidence of them. What right have they to plume themselves on the tariff? What particle of credit belongs to them for it? Did they appoint the Import Duties' Committee? Did they attend that committee after it had been appointed? If public benefit has been derived from the evidence adduced before that committee, if the public mind has been prepared by the publication of that evidence for extensive changes in the commercial system of the country, let the credit be given where it is due. Let it be given to the Member for Montrose and the Member for Wolverhampton, and not to the late Government, that merely stood by passive spectators, and coldly tolerated the appointment of a committee, the object of which was not avowed, and the result of whose labours they could not have foreseen. If they had, surely the president or vice-president of the Board of Trade, or some Member of the Government holding a commanding situation, would have thought it worth his while to attend the committee. The noble Lord has a defence for the inaction of the Government in the later years of its existence, which he thinks quite triumphant. They were not strong enough, it seems, to enforce their principles. They were controlled, overpowered, by their opponents. Then why did they retain office? Why did they tamely acquiesce in being controlled against their conviction—against their sense of what the public interest required? They knew what was right, but tolerated what was wrong. What does this amount to? Simply this—that just so long as office could be held at all, they preferred the retention of office to the maintenance of their principles. Why did not they at an earlier period appeal to the people, in the legitimate way, for the support of good principles? Why did they not propose that which they believed to be right, and cast on Parliament the responsibility of rejecting it? Why did they not even incur the risk of that alternative, horrible as it may have been, of losing office? I have a right to ask that question. Did I abandon the malt-tax in 1835 because I was threatened with opposition from my supporters? No. I called them together; I told them the continuance of the malt-tax was essential to the maintenance of the public credit; that I would resist the repeal of it, and retire from office if I was beaten. I did resist the repeal effectually. I willingly admit that I received from those opposed to me in politics effective support in resisting it. It was cordially given; and why? because it was seen that I was in earnest, and was ready to make that sacrifice, the risk of which must be incurred on many occasions, before you can hope to mitigate opposition and conciliate support. In the late discussions on the tariff what confident expectations were entertained that I should be forced to yield! What chuckling there was about the import of salmon and of cattle! You thought I must yield. You heard of the exaggerated fears of the grazier, the forced sales of cattle at great loss; the rumours, the unfounded rumours probably, of combinations to oppose, of resolutions of lukewarm support, of staying away on critical divisions. Suppose I had followed the example of others; suppose I had argued thus:—"These are serious indications; the welfare, nay, the existence of a Conservative Government is at stake; that is a vastly superior consideration to any amount of duty on foreign cattle; friends must be conciliated; there is no great difference between a duty by the head and a duty by weight; much may be said on both sides; it is the most prudent course to give way handsomely, and before a division." Suppose I had taken this course; suppose I had run no risk; should I have carried the tariff? should I have had your support in carrying it? that support which you gave cordially when you knew that I was in earnest, that I was resolved to deal justly with all interests, and to make no concession to groundless fears, or to any influence but that of reason? The noble Lord claims for the late Administration, or rather for his own share in it, the merit of having wonderfully extended the foreign commerce of the country. I watched the uneasiness of the Member for Stockport (Mr. Cobden) during the progress of the noble Lord's demonstration on that head: his countenance fell wofully with every figure the noble Lord quoted. The noble Lord was showing that there had been a rapid increase in the trade of the country, all owing to the skill and wisdom of the late Government; that the real value of the exports, which in 1832 were only 36,000,000*l.*, advanced in 1835 to 47,000,000*l.*, and in 1841 to 51,000,000*l.* What, and all this under the old Corn-law! That law was in force during the whole period, and yet it either had no pernicious influence on our prosperity, or, if it had any, that influence was counteracted by the personal merits of the noble Lord and his Colleagues. But of this fact there can be no doubt—that the noble Lord has proved that this wonderful progressive increase in the real value of our exports, end in the extension of our trade, took place concurrently at least with the Corn-laws. The noble Lord's demonstration seemed to be so triumphant, that I took for granted he would conclude it with a condemnation of me for having disturbed the Corn-laws. Notwithstanding the variations in the price of corn, notwithstanding that wheat for four consecutive years averaged (I think) 47*s.*, and for four other years 64*s.*, the noble Lord is ready with his proof that the price of corn had no influence on the amount of our exports. And the very men who were cheering the noble Lord to-night, and exulting in his proofs from figures that trade has been progressively advancing for the last ten years under the fostering care of the wise Government which had their support, have been maintaining night after night during the whole Session that the inferences to be drawn from these same figures are totally fallacious, and that our foreign trade has been progressively declining instead of advancing. The noble Lord complains that certain measures, which were recommended in the Speech from the Throne, have not passed into laws. He says, we have not proceeded with the ecclesiastical jurisdiction and the registration bills. We were prepared to proceed with them. There surely were no difficulties to deter us, after having overcome the obstacles in the way of those great measures which were connected with the finance and commerce of the country. But after the labour of the Session the measures mentioned could not have secured proper attention. Was I not right in that expectation? Why, when the noble Lord has been passing his panegyrics on his late Colleagues and himself, where are they? Where have they been for the last month? Much of the important business of the Session, after the completion of the three first great measures, has been carried on during that period. Perhaps we have made, indeed, too much haste in legislation in our anxiety for securing practical improvements; but certainly there has been more of business done in the last month than was ever transacted before? And where have been the members of the late cabinet? What a decisive refutation is their absence of all the assertions of the noble Lord! What a decisive mark of public confidence in opponents! Do I allege that the absence of such men, during all the press and sweat of parliamentary business, argues indifference to their public duties? No; but it argues entire, unqualified confidence in the Government. They have left the noble Lord (as was once said of another gentleman here)—

> "The last rose of summer, all blooming alone,
> His lovely companions all withered and
> gone"—

left him "to waste his sweetness on the desert air;" with the injunction to "bottle up a great speech; no matter how thin the House, let it explode at the end of the Session, lest we be utterly forgotten." "Yes," said the noble Lord to his colleagues; "but am I to move a vote of want of confidence, or something expressive of distrust?" "Oh, no!" (said his colleagues) "follow the example of Colonel Sibthorpe, and move for returns which the most jealous and sensitive of Ministers cannot find it in his heart to oppose; but, for heaven's sake, don't risk a division! Speak about America and Affghanistan, and every thing else; only avoid any motion which may provoke a division of three to one against us." The noble Lord must not charge me with ingratitude. I here publicly acknowledge my obligations to the friends of the noble Lord for their absence, implying as it does unbounded confidence in us, a perfect assurance that we will not abuse our power, but diligently persevere in repairing their blunders. But surely their absence may account also for our reluctance to proceed with some of the measures to which the noble Lord has referred. Could we proceed with propriety to amend the registration of electors, in the absence of the great luminary of reform? Were we to proceed with the Registration Bill, when he had left the Bribery Bill to its fate? Let us shortly review the progress of the Bribery Bill. We heard of enormous and universal corruption at elections, of compromises for the suppression of the proof of it. The necessity for instant reform was manifest. "Let us" (it was said earnestly on the other side), "let us have a measure to shame these corrupters of public virtue." I promised every assistance. Well, the first intimation I received was from the noble author of the bill, "I'm off." Then the Attorney-general of the late Government was to have charge of the bill—and in the eulogy pronounced on his eminent abilities I entirely concur; but soon it was "I'm off" with him also. Then the chairman of the committee, the Member for Halifax, had charge of the bill; but he was off also, and was to be found I believe on the Continent. Then, at last, the bill came to the learned Member for Liskeard, not a member of the committee; and certainly then I found it necessary to give that energetic support which I often gave the late Government to insure the passing of their measures. When the learned Gentleman, with infantine simplicity, being called upon to defend the main clauses of the bill, piteously looked round and said, "I suppose I must say something, but I've nothing to say." I began to fear this measure was in danger of miscarriage when committed to such innocence, till at last the hon. Member for Finsbury rose and said, "For God's sake give up the bill to Sir R. Peel, for no one else can take charge of it!" Now if other proof of confidence were wanting, what say you to this? Flesh and blood would never have deserted this bantling, had it not been for the unbounded confidence that its life would be watched over by me with parental care, after it had been abandoned by its natural protectors. The noble Lord observed with a sneer, that there was one measure, indeed, which we did pass, namely, the Income-tax. Yes, and why did we propose it? Why did we call upon the country to submit to a tax so unpopular and obnoxious? and why did the country respond to the call? because they acknowledged the truths which night after night I sedulously impressed upon their mind; that you, the late Government, having alienated France, having done nothing to improve our relations or adjust our differences with the United States, with a lowering prospect in Europe and in America, had undertaken three wars at a great distance from your resources, had been carrying on simultaneously war in Syria, war with China, war in Affghanistan; that you had at the same time contrived to make your annual revenue fall short of your expenditure by 2,500,000*l.*, and had an accumulated deficiency of 10,000,000*l.* on comparing the revenue with the expenditure of the last five years. These facts sunk deep into the public mind, and resistance to the Income-tax was hopeless. But where were you (Lord Palmerston) during the discussions on the Income-tax? How happens it that you were a silent looker-on? This was the greatest financial measure of recent times, a measure, if not imposed by some overruling necessity, the most open to objection? You, who for many years have been in the service of the Crown, and taken a leading part in public business, and in the debates of this House, maintained absolute silence while night after night the bill was under discussion; and now that it is safe, now that it is passed into a law, you discharge your puny popgun against the Income-tax. Is this creditable conduct? How is it to be accounted for? Is this the solution? Is it true that you and your Colleagues had at first resolved to support the Income-tax? Is it true that you met together in private conference, and that you took the resolution manfully to support the bill? that your first generous impulse was not to thwart vigorous measures for replenishing an Exchequer which had been exhausted through your own mismanagement? and that you afterwards yielded to the remonstrance of some of your supporters. and determined to oppose measures which your own unbiassed sense of duty would have inclined you to support? The noble Lord complains that the Bankruptcy and Lunacy Bills were postponed in the House of Lords till a late period of the Session. No doubt they were. I have been informed however, I cannot vouch for the fact, but I have been credibly informed, that the late Lord Chancellor, Lord Cottenham expressed a wish that the Bankruptcy and Lunacy Bills should be postponed until the County Courts Bill should be ready for discussion, in order that they might be all considered together, and that that has been the cause of the delay. Both by the bankruptcy act and the lunacy act a great improvement in the law has been made, and we were unwilling to defer the passing of them, seeing that all parties were generally agreed as to the principle at least, of these acts. We have passed a measure respecting ecclesiastical leases, which will contribute to the improvement of property and to the efficiency of the Established Church. But the amount of what we have done will, thanks to the noble Lord, be laid on the Table of the House; it will become matter of record, and when any impartial man shall consider it, if he be possessed of a generous spirit, he will make allowance for what has been left undone, and give us credit for what we have effected, As the noble Lord has said, those only who have been in office can have any idea of the enormous amount of duty that is connected with it. The number of despatches that are received from every quarter of the globe, and which a minister must of necessity read in addition to his other labours, would alone suffice to convince any one desirous of forming a correct judgment on the subject, how difficult it is for a public man to reconcile the performance of his duties in the House of Commons with the conduct of official affairs. The noble Lord might, therefore, have readily found in his own official experience an excuse for us, if, on entering office, we required three or four months to digest our plans, and consider what steps we should take to relieve the country from its financial embarrassment. The noble Lord has referred to the state of the country, and he has to-night, as on former occasions, made use of language which is calculated to aggravate dissatisfaction. He says,

> "You are about to let Parliament separate without, after all your labours, having done any thing to relieve the existing distress. I trust Parliament will be soon called together again in order that you may deliberate upon measures for rescuing the country from its difficulties."

I was in hopes that the noble Lord, when he had tendered his advice for the summoning of Parliament, was about to accompany that advice with the intimation of his opinion as to the measures to be adopted; but all that fell from the noble Lord was the perfectly safe, but not very useful declaration,—"Something or other must be done." The noble Lord proceeded to review the whole of the foreign policy of the country, but found it very difficult to introduce his reference to it on this miserable motion about the names and titles of the bills which we have passed in the present Session. The noble Lord fortunately recollected that my noble Friend (Lord Stanley) made a speech three months since, in which there was some mention of the mischievous activity of the noble Lord; and after three months' deliberation the noble Lord comes forward with his vindication from the charge of my noble Friend. The noble Lord paid a compliment to my noble Friend for his skill in off-hand debate: I apprehend that compliment cannot be reciprocated to the noble Lord, in replying to my noble Friend after a lapse of three months. The noble Lord began by a statement which I feel it wholly unnecessary to dwell upon, because it received its best confutation in a burst of incredulous laughter. The noble Lord said that we have done nothing but avail ourselves of the facilities in foreign affairs, which were bequeathed to us by our predecessors. The noble Lord's first reference was to the question of Hill Coolies, but I will pass by that, as belonging rather to the colonial department. If my noble Friend should think it worth while to defend his conduct from the attack which the noble Lord, after three months' preparation, has made with reference to the Hill Coolies, I have no doubt that my noble Friend will be able most satisfactorily to do so without the advantage of quite so much premeditation, But surely before the noble Lord is so severe upon an opponent, to whom he imputes a change of opinion respecting the importation of Hill Coolies into the Mauritius, he would do well to take a retrospective view of the various ministers of all shades of political opinions with whom he has been connected in the course of his own political life, and in that review he might find a charitable excuse for the public man who sees reason to modify in a slight degree his opinions about the Hill Coolies. As regards the foreign policy of the noble Lord, no one can estimate more than I do the noble Lord's personal activity and attention to business. But when the noble Lord refers to certain treaties with the state of Texas, and to six or seven treaties about the slave-trade, as the triumphs of his administration, I am induced to ask if those are points to which a Minister, taking a comprehensive view of the foreign policy of the country, can refer with pride and confidence as the result of several years of official labour? Look to the great countries of the world with which it was your boast to be connected. For six years your constant boast in this House was, that you had formed and consolidated the alliance of Western Europe, a powerful confederacy, based on the community of material interests, as well as of political opinions. The influence of despotic power in the East was to be counterbalanced by the intimate union of states in the West governed by liberal institutions. Proud of the co-operation of France, you forgot your professed repugnance to intervention in the domestic affairs of other countries, and took an active part in the civil dissensions of Spain, for the purpose of consolidating the great bulwark of constitutional liberty—the quadruple alliance. What has become of the French alliance? What were your relations with France when you relinquished office in 1841? When you assumed it in 1830, you found every facility for improving a good understanding with that country. The government of the Duke of Wellington had recognised the dynasty of Louis Philippe, and had conciliated the good will of France, by the unhesitating acknowledgment of the right she had recently exercised in respect to the change of the reigning family. For five or six years after your accession to power, your great boast in respect to foreign policy was, the establishment of amicable relations with France. All the aid we on this side of the House could lend you to confirm these amicable relations, was repeatedly and cordially given, How stand those relations now? By whose fault is it that they have been interrupted? You congratulated us on the maintenance of peace, and on the extension of that commercial intercourse which is the offspring of peace, and the great instrument for allaying international jealousies. Your policy has not been thwarted by the hostile feelings of this country towards France. This country has no feeling of hostility towards France. It was but the other day that we heard of the lamentable death of the Duke of Orleans, the heir to the throne of France, with a deep and universal regret and sympathy. We have no hostile, no irritable feeling towards France, neither have we any fear; we are too proud, too conscious of our own strength, to regard the power of France with apprehension; but we deprecate, for the interests of humanity, the interruption of friendly relations with that country. Our wish is to enter into no rivalry with France but rivalry in the generous race of increasing civilisation and social improvement. So far from viewing with jealous eyes the advances that may be made by France in the career of that civilisation and improvement, we know they will react upon and stimulate our own. Seeing that these are the genuine feelings of this country—seeing that the animosities, the relics of former hostilities, were fast subsiding, that the vulgar feeling of assumed superiority over France was supplanted by a kinder and more generous impulse—seeing all the advantages which the noble Lord had for improving the friendly relations with France, for effecting that which he professed to be the great object of his policy, and the great guarantee for European peace—seeing all these things, how does the noble Lord account for his signal failure? He complains of the non-ratification of treaties by France, and of her delay in admitting our just claims; and his complaints are just; but these things are the consequences of that alienation, of that state of irritable feeling, which either through the fault or the misfortune of the noble Lord, have been the consequences of his policy. The noble Lord thinks it was necessary to incur the risk of rupture with France, in order to maintain the independence and integrity of the Turkish empire. True, says the noble Lord, we have alienated France, but then we have re-established the authority of the Porte in Syria. Syria, indeed;—this, no doubt, is one of the facilities in the conduct of foreign affairs bequeathed to us by the noble Lord. You have delivered up Syria, not to the Porte, but to anarchy; and my firm belief is, that it was in the power of the noble Lord to maintain every interest which England has with respect to Syria, every interest which the Porte has with respect to Syria, without the necessary disturbance of friendly relations with France. I proceed with the other comments of the noble Lord. I regret that these charges and imputations are brought at this period of the Session. I should have been content to depart in peace, without disturbing those feelings (free at least from any hostile spirit), which may subsist, after the labours and conflicts of the Session, between political opponents. I deprecate the spirit in which the remarks of the noble Lord were conceived, because it compels the disclosure, in our own defence, of what had better have been withheld for the present. But I will not be silent when such charges and imputations are made against us. I know the inconvenience to the public service of making premature revelations; but I cannot remain silent under unfounded imputations. First, then, with respect to the United States. I am sorry that the noble Lord has tried (I trust that the attempt will not be successful) to defeat the settlement of a question between that Government and this, which has remained unadjusted for the long period of forty years. Yes; for forty years this question of disputed boundary has been waiting for settlement. Seeing that we may be on the eve of effecting it, the noble Lord does his best, by needless appeals to the sense of honour, to prevent it. Such is the blindness of his hostility, that every argument which he directs against our policy is the bitterest condemnation of his own conduct. He says, that subsequently to his appointment to office, he offered to acquiesce in an adjustment of this disputed question, which according to his own declarations, was fortunately rejected by the United States; fortunately, because it was most prejudicial to the interests of this country. He avows that he was ignorant of the merits of this question, that he had not sufficient local information—and defends on that ground his readiness to acquiesce in a settlement injurious to the honour and interests of his own country. What a wretched defence! What prevented the noble Lord from making himself master of the merits of the question, and from procuring the local information which he required? The question had been in dispute for forty years. Why did not the noble Lord, while he might have professed his earnest desire to adjust this matter, demand the time that was requisite for the correct understanding of it? The truth is, the noble Lord fears that we have made an arrangement with the United States more favourable to our own interests than the one to which he was willing, at a former period, to assent; and in order that he may dissatisfy the country with our arrangements, denounces his own, and declares that it was through ignorance and culpable neglect, that he was a party to them. It is unworthy of the noble Lord to be now raising these difficulties in the way of an amicable adjustment of long-existing differences between this country and the United States,—between great communities, boasting a common origin, speaking a common language, whose interests are so closely interwoven, that a hostile blow, aimed by the one at the other, recoils upon the hand that strikes it. Considering the utter failure of the noble Lord to remove the long-existing causes of misunderstanding between this country and the United States, he might at least abstain from throwing impediments in the way of others, from telling us that our honour is involved in maintaining our right to a swamp on the frontier; from counselling us to make no compromise, no concession; from inflaming the public mind in each country, until there is no alternative but war. Sir, I would not shrink from that alternative, did the honour of the country require its adoption. It was said, I think, by Mr. Fox, that the most legitimate ground of war was the necessary vindication of the honour of a country; that it rarely happened that where mere material interests were concerned, the cost of war was not greater (even in the case of success) than the value of the object in dispute. I confidently hope, however, that neither the vindication of honour, nor the maintenance of the just rights of this country, will impose upon us the necessity of an appeal to arms, but that there are the means, by a conciliatory adjustment of all differences with the United States, of maintaining honourable peace. The noble Lord has referred to our recent discussion with the United States in respect to the right of search. He compliments us on the ability with which we have defended the claim put forth by this country with respect, not indeed to the right of search, but the right to ascertain the nationality of a vessel suspected of carrying on the slave-trade. He says, however, that we were only maintaining the position which he had previously taken, and enforcing arguments which he had previously used. There is, I presume, no ground of charge in this, if for once we thought the noble Lord was in the right. He says, that my noble Friend, the Secretary of State for Foreign Affairs, conducted the discussion with much greater ability than he himself could have done, and in that observation, I cordially concur. It was not only with superior ability that my noble Friend conducted this discussion, but he contrived to reconcile firmness with moderation and dignity, and abstained from offensive and petulant remarks which sink deep into the mind of a sensitive people. My noble Friend did not think it essential to the argument to talk of a piece of bunting when speaking of the American flag. I follow the noble Lord to Portugal. He says, that the negotiations which we have concluded with Portugal has been pending for five or six years. So it has. It stood in the same position that all the great questions with foreign countries have been left by the noble Lord; it stood in the same position that the questions with the United States stood, that is to say, no effectual progress had been made by the noble Lord towards their settlement. A vast number of diplomatic notes have been interchanged, all ably penned I have no doubt, but there was no prospect of immediate and amicable adjustment. So hopeless was it, that the noble Lord introduced a bill which passed into a law, enabling the cruizers of this country to capture the slave-trading vessels of Portugal. The act may have been justifiable, but it was a proof that all hope of friendly negotiation with Portugal was abandoned by the noble Lord. We have prevailed with Portugal; by the means of friendly negotiation we have replaced our relations with that country (the intimate and ancient ally of England) on the basis of friendship, and have been enabled to repeal the act of the noble Lord, which was, in point of fact, little less than a declaration of war. Now, with respect to the treaties which the noble Lord boasts of having concluded, I will give the House a specimen of the candour and generosity which the noble Lord has exercised in the attack he has made upon us. The noble Lord referred to the treaty between the Porte and the Five Powers, and told us that he was content, so little has he of assurance, so little does he wish to arrogate anything to himself, that he was content to call this treaty a treaty for the provisional closing of the Dardanelles; but that we, in magnificent language, had termed the same treaty a treaty for securing the peace of Europe. I will read the language of the Speech from the Throne, at the commencement of this Session, in which her Majesty speaks of this treaty. Her Majesty says,—

> "There shall also be laid before you a treaty which I have concluded with the same powers (the Emperor of Austria, the King of the French, the King of Prussia, and the Emperor of Russia), together with the Sultan, having for its object the security of the Turkish empire, and the maintenance of the general tranquillity."

Those were the terms in which we advised her Majesty to describe the objects of the treaty in question — exaggerated and inflated terms, says the noble Lord, assigning to this treaty an importance which its modest authors never claimed for it. How stands the fact? I will now read the preamble to this very treaty, and leave the House to judge of the fairness of the noble Lord's comments, and the justice of the compliment which he has paid to his own humility. The parties to the treaty (being all enumerated) state, that

> "Being persuaded that their union and agreement offer to Europe the most certain pledge for the preservation of the general peace, the constant object of their solicitude, and their said Majesties being desirous of testifying this agreement, by giving to the Sultan a manifest proof of the respect which they entertain for the inviolability of his sovereign rights, as well as of their sincere desire to see consolidated the repose of his empire, agree," &c.

Compare this preamble, setting forth the objects of the treaty, with our description of the treaty in the Speech from the Throne, and then say whether that description was erroneous, and whether it does not fall far short, in inflation of language, of the noble Lord's preamble. I cite this as a specimen of the noble Lord's fairness and candour towards his opponents. Now, with respect to Hanover and the Stade-duties. Notwithstanding the remarks of the noble Lord, I have no doubt, that when the negotiations with Hanover shall be laid on the Table, this House will not consider that they are incompatible with the national honour, while at the same time they promote the commercial interests of this country. But the noble Lord says,—

> "We, when we were in office, maintained that there was an obligation on Hanover to reduce the stade-duties to 1-16th per cent, according to treaty."

But, I ask, what did you do practically to relieve the commerce of this country from an oppressive imposition? You left us ten years' negotiations upon the subject—you sent commissioners; what came of all your negotiations and all the labours of your commissioners? When we came into office we found them suspended. We found not one single advance made towards a settlement, and the only point at issue, as it appeared, was, whether you should go to war with Hanover, or they should reduce the tolls to 1-16th per cent. That was the state of the case. But the noble Lord would do well to observe a little more caution in his attacks on those who may not have been inclined in his opinion to maintain extreme rights, or the literal fulfilment of treaties of doubtful obligation. Did the noble Lord ever hear of a memorandum on the subject of these duties, from which I will read an extract?

"Upon the whole, as it appears that these duties are injurious to British commerce, more from the unfair competition to which it is thereby exposed from that of Hamburgh, which is relieved from this charge, and still more from the vexation, the disputes, and the consequent delay attending its exaction, than from the pecuniary amount of the burden; whilst, on the other hand, the government of Hanover reaps no amount of revenue at all comparable to the injury which it imposes on our commerce; it appears that the most advisable course to follow would be to endeavour to negotiate with the government of Hanover for the final cession of these duties, in return for a pecuniary compensation."

Let this reminiscence be a warning to the noble Lord, and teach him the prudence of reflecting whether his charges may not be too indiscriminate, and affect others besides her Majesty's present Government. As for the noble Lord's insinuation, that we made concessions in respect to the Stade duties, with a view of conciliating the favour of the King of Hanover, it is an unjust and unworthy one. We recognise no claim on the part of the King of Hanover to any other measure than that of justice. But, as I have before observed, these are not the considerations which are to influence us in pronouncing judgment on the policy of the noble Lord. He may boast of his slave-trade treaties, and of his new consulships, nay, of the facilities he has given for the importation of Mocha coffee. But what compensation is this for unfriendly relations with France and America? The noble Lord says he has preserved peace. Peace, indeed! With three wars carried on at the same time—with a revenue deficient by 2,500,000*l.*, with every difference with the United States unadjusted, the friendly relations with France converted into irritation and hostility, the noble Lord complacently talks about the blessings and prospects of peace, about the facilities which he left to his successors for the conduct of foreign affairs! He says we have been subsisting since we entered office on the broken meats which we found in the larder of the late Government. What a just, though not very dignified illustration of the policy of his Friends! The noble Lord reserved for the climax of his speech, the happy topic of Affghanistan. He is displeased with my remarks the other night on his assurance. I certainly did say, and I retain the opinion, that it required a degree of incredible assurance to congratulate this country on the admirable position which the late Government had secured in Affghanistan. It is more than assurance; it is a cruel mockery of the public feeling, after the lamentable events at Cabul, after the massacre of the garrison of Ghuznee, after the evacuation of every position, except that of Candahar, after the dreadful sacrifice of life and waste of treasure, for a Minister responsible for these things, to boast in the House of Commons of our admirable position in Affghanistan. The noble Lord presumes much on my forbearance. He knows that considerations of public duty, that the fear of compromising public interests, prevent me from giving him the proper reply. He knows that the lapse of six weeks will convey to the scene of action any declarations that I may make with regard either to the operations of war, or to political or diplomatic transactions that may be in progress. The noble Lord may throw out his imputations for the present with perfect safety. Whatever may be my feelings with regard to their injustice, whatever my inclination to retort on the noble Lord, to expose the real truth with respect to the operations beyond the Indus, and the policy which led to them, I will not be betrayed into a remark which might injuriously affect the progress of pending negotiations, or compromise the safety of a single man employed in retrieving that disastrous policy. It is easy for the noble Lord to dictate in the House of Commons campaigns upon the Indus, to insist upon the advance to this place, and the relief of that. The men who are on the spot, who are responsible for consequences, have other considerations to attend to besides the map of the Indus. Does the noble Lord know how many beasts of burden accompanied the army which he sent into Cabul? He may form some estimate of the number sent by the amount of the loss. Does the noble Lord, when, without reference to seasons, to means of conveyance, to means of subsistence for an army, he talks so flippantly of advances into the heart of Affghanistan, does he know, that of the camels sent with the army under Sir John Keane, 26,000 perished before that army entered Cabul? What number remained I know not; but the absolute loss of camels accompanying the army, and employed in the transport of its stores and provisions, was 26,000. And the noble Lord exclaims with indignation, "Who is the man that meditated the evacuation of Affghanistan, and the abandonment of our glorious policy in respect to that country?" Oh, I could tell the noble Lord—I could tell him who is the man that meditated the evacuation of Affghanistan. I could give him another lesson on the imprudence and rashness of provoking answers to questions that imply misconduct on the part of his opponents. But I must be silent. The events that are passing—the death of our faithful ally, Shah Soojah, the king for whose restoration we have made such costly sacrifices—our altered relations, and the negociations that have been entered into, in consequence of that death, impose upon me the obligation of silence, and prevent me for the present from giving to the noble Lord the information he requires about the abandonment of his policy in Affghanistan—of that policy which, according to the noble Lord, is to open to us new fields of commercial enterprise, by exhausting in war our own resources, and those of the countries with which we are to deal. The noble Lord may have taught the barbarians on the Indus the true maxims of commercial policy, he may have inculcated upon them, at the point of the sword, the doctrines of Adam Smith and of Ricardo; but he has, at the same time, so exhausted and impoverished the country, that they cannot turn to account, either for their benefit, or our own, the lessons they have received from him in political economy. Sir, I have done. I have attempted to reply in succession to the charges which the noble Lord has preferred against the Government. I deny the truth of the imputation that we have acted in office upon principles which we did not profess in opposition. Our commercial policy has been in conformity with that upon which the measures of Mr. Huskisson were founded, and which measure received from me, one of the Colleagues of Mr. Huskisson, a uniform and cordial support. I stated on passing of the Reform Bill—I stated in 1835, in 1840, what were the principles on which I should act if called upon to take office. And in what respect have I departed from the professions which I made? You told me last year that I must be an instrument in the hands of others, and that the power was denied to me of enforcing my own principles. I declared then, as I declare now, that I consider office—its power, its distinction, its privileges—as nothing worth, except as the instrument of effecting public good. If it is to be held by sufferance, if it can be retained only on the condition of abandoning my own opinions and obeying the dictates of others, it will not be held by me. My reward for all the sacrifices it entails, is the prospect of that honourable fame which can only be attained by steadily pursuing the course which, according to the best conclusions of our fallible judgment, we honestly believe to be conducive to the welfare of the country. These are the motives by which we are actuated, these are the rewards to which we aspire. What could induce my noble Friend who sits beside me (Lord Stanley),—what could induce him, with his intellectual powers, with all the buoyancy of youth, with all his command of the enjoyments of life and his taste for its rational pleasures,—what could induce him to submit to the drudgery of office, to the toil of nightly attendance here, to the devotion of every faculty of mind and body to public duty,—what could induce him to submit to all this, but, first, the possession of an unfettered right to act on the impulse of his own conscientious judgment, and, secondly, the aspirations after that honourable fame which will be adjudged to those who exhaust their strength in the faithful and honest discharge of great public trusts? It is not by subserviency to the will of others, it is not by the hope of conciliating the temporary favour of majorities, that such fame can be acquired; and in spite of all the noble Lord has said, in spite of the rumours he has heard of concealed dissatisfaction among our supporters, we have the proud satisfaction of knowing that we retain their confidence, while we claim for ourselves the privilege of acting on our own opinions. From the commencement of the Session to its close, we have received that generous support which has enabled us to overcome every difficulty, to carry triumphantly every measure we have proposed. There may have been shades of difference, there may have been occasional dissatisfaction and complaint; but I have the firm belief that our conduct in office has not abated one jot of that confidence on the part of our friends, which cheered and encouraged us in the blank regions of opposition; and next to the approval of our own conscience, and to the hope of future fame, the highest reward we can receive for public labours is their cordial support and their personal esteem.

Mr. *Cobden* would venture to say, that whatever might have been the brilliancy of the speeches they had just heard the country would form their judgment of the proceedings of the House, not on an estimate of the power of its leaders' addresses—not on a recapitulation of what parties had done, but by a comparison of the state of the country when Parliament assembled and when they closed their sitting. Before they again assembled they would have to contend with a powerful expression of public opinion in favour of Radical reform. Under these circumstances could they do nothing better than get up quarrels between Whig and Tory, saying to one another in vulger phraseology, "You're another?" He was anxious for an opportunity of stating his views with regard to commercial reform, but was frustrated in his attempt to do so last night. He would now tell them what was the state of our relations with America. There was at present an agitation in some of the states in favour of increased duties on manufactured goods. The manufacturers there had found home buyers to obtain protection, but the agricultural party, who were favourable to free-trade, were rising in power, and had already manifested their strength at the local elections. The right hon. Baronet (Sir R. Peel) was very fond of quoting Mr. Clay, but he could tell him that Mr. Clay had no chance of being elected President. The local elections showed this to be the case, and there was now no doubt but that the free-trade party would soon be again in the ascendant. The right hon. Baronet was very fond of quoting occasional pamphlets, and seemed to draw much of his information from such sources. Such pamphlets, however, were no very good authorities. Dr. Lardner had written a pamphlet to show that they never could cross the Atlantic in a steam-ship, and now he had gone across it in a steam-boat himself. But the right hon. Baronet should draw his information from better sources. He would endeavour to show him what was the real opinion in America regarding free-trade. He had been assured, upon the highest authority, that between this time and June next, America could supply us readily with 6,000,000*l.* worth of corn, in payment of which she would gladly receive our goods, and not ask from us one sixpence in coin or bullion. There could be no doubt that, compared with the trade which we might have with America, were the existing disabilities removed, that of all the principal countries of Europe to which we now exported was altogether inconsiderable. As to the Corn-law measure passed by the right hon. Baronet, it would not effect the object. Upon this point he (Mr. Cobden) would quote a passage from Lizardi's circular, a high authority. The circular was dated New Orleans, June 6, and the passage he would cite ran thus:—

"We wish we could add, that the alteration in the British Corn-laws had been of that nature to allow the industrious agricultural population of some of our back states to have placed a greater breadth of their idle, though rich lands under cultivation. Unfortunately, no such inducements are held out by an uncertain and varying duty. The new Corn-law of England must act disadvantageously on distant markets, and throw all the favourable opportunities for importing grain into the hands of the more contiguous speculators. Our farmers see themselves not only deprived of what is to all a familiar, and to many a native market, but are also debarred from drawing from thence the supplies they are most in need of, but for which an adverse policy will permit no exchange."

This was written after the Corn-law passed. Before that event, on the 19th of March, the same circular contained a statement which he would also quote:—

"We consider ourselves quite safe in expressing our belief, that two years of steady demand for wheat, beef, and pork for export to Europe, would augment three-fold the quantities of these articles, which are now received at New Orleans from the interior, and we can set no limit to the capabilities of consumption or production of these fertile regions."

It was perfectly clear, that America offered us an unlimited field for the profitable exercise of our industry. Within the last ten years the population had immensely increased, and almost the entire of this enormous population would gladly exchange their produce for our manufactures: He would read to the House a statement he had prepared of the progress of population in the great wheat-growing states, between 1830 and 1840:—

	1830.	1840.	Increase per cent.
Ohio . .	937,000	1,515,000	61
Indiana .	341,000	683,000	100
Illinois .	157,000	486,000	208
Michigan.	28,600	211,000	640
Wisconsin	2,660	30,600	1,054
Iowa . .	—	43,000	—
	1,466,260	2,968,600	102

It was these states in which the real political power was now becoming vested, and whose anxiety it was to knit their interests with ours, if we would only permit them so to do. To show the immense extent to which corn was produced in these states, he would mention that the state of Ohio was estimated to have had a surplus of 2,000,000 of quarters of wheat last year; and Michigan, which first commenced exporting in 1839, was estimated to have a surplus this year of 312,000 quarters. Yet it was a fact, that we were now actually doing less real business with America than we did ten years ago. The right hon. Baronet had altogether abstained from touching upon the distress of the country; but it was a subject which would force itself upon his attention irresistibly. The present was precisely the time beyond which it would be highly dangerous for the right hon. Baronet to make any delay in treating with America. The question of the tariff was now in course of settlement; but it would not be finally amended, in all probability, till the winter, so that the right hon. Baronet had ample time for entering into negotiations on the subject. The great object was to make employment for our people; and the right hon. Baronet might be assured that any Minister who neglected to do this, would be shaken from office like dew-drops from a tree.

Mr. *Hume* had heard with satisfaction the right hon. Baronet declare his intention of not allowing any party to divert him from following out measures which were calculated for the benefit of the nation. It was an important declaration, and it was so because the right hon. Baronet was in a condition to carry out and enforce it. He agreed in the importance of preserving friendly relations with France. France and England, by situation, power, and productions, were, of all others, the two countries that ought to be sincerely united. He deprecated the alienation which had recently occurred, he was satisfied there was no alienation on the part of England. With respect to a trade with America in corn, he was satisfied that nothing less would do to promote a good understanding and to ensure a steady trade between the two nations. There were important changes now taking place in America. The manufacturing states at present had the preponderance of the legislature, but the next elections would give the advantage to the agriculturists; when this took place, the policy of America would be regulated by the concessions in trade which this country was disposed to sanction. He was satisfied if a trade in corn was granted, that the value of land here would be increased. The present system was most injurious, and nothing could be more injurious to the real interests of the British farmer than that which was likely soon to occur—namely, the letting in of 2,000,000 of quarters of foreign corn in our market. The right hon. Baronet should recollect that it was not the price of corn the people cared for—they only cared for employment. Give the people plenty of employment, and they would not mind the price of bread. He trusted the right hon. Baronet would not lose the opportunity he possessed of materially extending the trade of the country.

Mr. *Ewart* supported the views of the hon. Member for Stockport with respect to the extension of our trade with America, and thought that an extension of commerce was far more beneficial than an extension of our empire or power by arms.

Mr. *Philip Howard* was glad to see that, unlike former occasions, the introduction of the subject of the Corn-laws had had a soothing effect, it had acted like an emollient after the angry conflict. His hon. Friend the Member for Stockport, Mr. Cobden, had certainly proved that a fixed duty on corn would prove infinitely more favourable to mutual commerce than the fluctuating scale. The right hon. Baronet, in the vehemence of his reply to his noble Friend, had certainly passed over the fact that his noble Friend had secured to this country ten years of honourable peace, when it had been predicted that the Belgian question alone would have involved Europe in war. In regard of the war in Syria he would remark, that France had, previously to the signing of the treaty, been repeatedly urged to become a party—the only shadow of a grievance left to that power was, that after the signing of the treaty by the four contracting parties, and before its promulgation, she had not been urged to join it; if she had, the result might have, however, been the same; but bitterness of feeling towards France on the part of this country, there was none. The noble Lord so long at the helm of foreign affairs, had been also taxed by unnecessary disclosures, of throwing embarrassments in the way of the settlement of the American boundary question; but what had been the course taken by his noble Friend? He had simply stated that the line recommended by the English commissioner was more in harmony with the provisions of the treaty of 1783 than the other. The two lines were under the consideration of the diplomatic agents; and if agreement between this country and the United States were, from the conflict of opinion, difficult, it might be best and most conducive to a settlement if the friendly arbitration of a third power were called in—a course successfully adopted in the case of the differences between France and the United States, when harmony was secured by the mediation of England. He would not again retort upon the Government the charge of political plagiarism; but the question of the tariff and duties having been raised, he begged to say the merit of reducing duties had been shared by a powerful monarchy and by a great statesman, Prince Metternich, who had set an early example of that politic course. After claiming for his party the chief share respecting the bonded corn, and paying a tribute to the early exertions of Sir John Seale, in originating, and Mr. Hutt in promoting it, the hon. Member concluded by a hope that the two great rival gladiators who had that night electrified the House by their eloquence, would meet next Session, but not so much in the arena of party strife as in a generous effort to serve and promote the common interests of the whole empire.

Returns ordered.

REGISTRATION (ENGLAND.)] Sir *J. Graham*, in moving for leave to bring in a bill for the better registration of Parliamentary elections, said he would not detain the House, as he only wished to lay the bill on the Table, and to have it printed, with a view of taking it into consideration at the commencement of the next Session of Parliament. He would only give a brief outline of the measure. First, he thought it better entirely to repeal all the clauses of the Reform Act affecting registration, and to re-enact them with the alterations which he thought it expedient to introduce. There would be no very important alteration in the machinery of the original steps to be taken with reference to the commencement of the register in counties. The payment of the shilling, however, which had been much objected to by freeholders, would be repealed. The principal alterations would relate to the revising barristers and the constitution of the Court of Appeal. Considerable objection had been made to the number of revising barristers appointed and to the mode of payment. He proposed to limit the number of revising barristers in the proportion (as we understood) of one to each county, and that, instead of the payment by the day, with travelling expenses, there should be a sum of 200 guineas given to each revising barrister. This would effect a saving of about 10,000*l.* a-year. The most important provisions would be those with respect to the Court of Appeal. He proposed that the Lords Chief Justices of the Queen's Bench and Common Pleas, and the Chief Baron of the Exchequer, should appoint three barristers of a given standing, to form a permanent court of appeal. Their payment should be a certain amount per day, and they should be removable upon address from the two Houses of Parliament. He proposed to introduce declaratory clauses on two disputed points. One was a mere matter of regulation. With respect to annuities, which required to be registered not only at the annual registration, but also by a statute prior to the Reform Act, at the office of the Clerk of the Peace. He proposed to make the single registration, under the Reform Act, sufficient. He proposed also, with respect to 50*l.* occupiers in counties, that they should be entitled to be registered with respect to successive occupations. It was an anomaly that a tenant removing from a 50*l.* tenement to one of the value of a 100*l.* should thereby lose his right to register for a time. He also proposed that with respect to mortgagees, only mortgagees in possession should be allowed to vote, in cases of trustees, that no trustee should be entitled to vote unless he possessed a beneficial interest in the trust estate. He proposed also to settle what should be reckoned the distance of seven miles from the centre of a borough, by measuring the distance in a straight line according to the Ordnance maps. He intended also to introduce a most important alteration with respect to the third question to be put to voters at the poll. With respect to counties, he proposed absolutely to abolish this question. With respect to cities and boroughs, he proposed to substitute for the question relative to qualification as registered the question, "Have you continued to reside?" It had always been held, with respect to cities and boroughs, that residence was indispensable, and he intended that it should continue. He did not think that it was necessary for him, in the present stage of the measure, and of the Session, to go at greater length into detail; he should content himself with moving for leave to bring in the bill.

Bill brought in and read a first time. To be read a second time in fourteen weeks and be printed.

House adjourned at a quarter after eleven.

HOUSE OF LORDS,

Thursday, August 11, 1842.

MINUTES.] BILLS. *Public.*—3^{a}· and passed:—Consolidated Fund; Exchequer Bills; Slave Trade (Portuguese Vessels); Newfoundland; Coventry Boundary; Manchester, Birmingham, and Bolton Police; Boroughs Incorporation.

Private.—3^{a}· and passed:—Jackson's Divorce.

PETITIONS PRESENTED. From Wm. Spurner, in favour of the Boroughs Incorporation Bill.—From Claimants on the Government of Portugal, to promote the Settlement of their Claims.—From the Borough of Rochdale, to extend the County Courts Bill to Lancashire.—From Lambeth, for the Release of Charles Southwell.—From Kendal, for Universal Suffrage.—From Mechanic's Institute, Glasgow, Andersonian Institution, Glasgow; and from Individuals, in favour of the Designs Copyright Bill.

NEWFOUNDLAND.] Lord *Ripon* moved the Order of the Day for the third reading of this bill.

Mr. Burge appeared at the Bar, and addressed the House against the bill, as counsel for the House of Assembly.

Bill read a third time.

On the question that the Bill do pass,

Lord *Campbell* said, he thought the able address they had just heard, required some consideration; he should content himself by moving the omission of one clause, the sixth.

The Earl of *Ripon* said, there was only one point in the noble Lord's objections to which he wished to refer, that was the opinion he had quoted from Sir John Harvey. It was true that he did not recommend this particular mode of dealing with the difficulties of the question, but at that time he had not so full a knowledge of what those difficulties were as he subsequently acquired. His second dispatch, in which the particular form of Government enacted by the sixth clause was established, contained his more matured opinions on a better knowledge of the practical difficulties of the case. The object of the clause was only to enable the Legislature to pass such measures as should be for the benefit of the community.

Bill passed.

IMPROVEMENTS IN THE LAW.] Lord *Brougham* adverting to a bill for facilitating compositions with creditors, which he had withdrawn a few nights ago, remarked that there was another bill (the Insolvent Debtor's Relief Bill), which he had presented at the same time, and which he rejoiced to say had passed both Houses of Parliament, and it was due to her Majesty's Government that he should first of all in his own name, express to them the great gratitude he felt for the hearty, steady and efficient support which they had afforded to this most important amendment of the law; but next that he should also express the gratitude of the unfortunate persons who were the more immediate objects of the measure, and of the creditors of those persons. This was not the only amendment of the law which had been made by her Majesty's Government during the present Session. Bills had been introduced by his noble and learned Friend (The Lord Chancellor) he only wished they had all passed, which were a great improvement of the law indeed. The extension of the system of bankrupt law, established by him (Lord Brougham) in London and the neighbouring district, eleven years ago, all over the country, he thought was a measure of the greatest importance to our jurisprudence and to our commercial interests, and he had no doubt it would be found to work as admirably in the country as it was admitted to have worked in the capital. There was another bill introduced by his noble and learned Friend (the Lunacy Bill), which he believed to be of importance, and he hoped for great advantage from its operation. The Chancery Bill similar to the one he (Lord Brougham) had presented in 1833, and only partially carried, was another material amendment of the system. These improvements of the law were not only a great good of themselves, but they were the seeds from which still greater good was likely to spring, being like the kindly fruits of the earth not only adapted themselves to our use but giving hopes of a richer and more abundant harvest. It did, however, chance that some of these seeds were found to fall among thorns, which sprang up and choked them. This had happened to some of the most valuable of the measures of his noble and learned Friend. The bare weeds of self-interest had been interposed; he might well call them thorns, for their motto was the motto of the thistle, "touch me who dare." Nothing but the firmness of his noble and learned Friend and his Colleagues, both in this and the other House, could have secured the passing of these important measures which were now the law of the land. But his noble and learned Friend had been exposed in his reforms to the hostility of the self-same interest which had been arranged to thwart the progress of his (Lord Brougham's) measures, when the present bankruptcy system was originally introduced in 1831. The charge brought against that bill was that it would prove ruinous to London bankers by taking out so much of the money of bankrupts' estates, which had remained locked up there through the neglect of assignees. Certain it was that within two or three years from the passing of the act, upwards of 2,000,000*l.* sterling, was obtained through its operation, and distributed among the creditors in the administration of Bankrupts' estates; and he had no doubt his noble and learned Friend would next Session have to declare a similar result from his bill, as applied to the country districts. He well recollected a much honoured and independent Member of the other House, his lamented Friend, Mr. John Smith, meeting this clamour at once, by avowing that the operation of the bill (1831) would be such as had been described. He said, that the house in which he was principal partner would lose five or six thousand a-year—but he added, that so far from this being an argument against the bill, it was the strongest reason for passing it; because such gains could only be made by bankers, through the neglect of assignees in performing their duty. He (Lord Brougham) did not understand that any country banker had on the present occasion taken the same disinterested course. No one had at all imitated Mr. John Smith. Unhappily his noble and learned Friend's other measure — the County Courts Bill—had for the present yielded to the like interested opposition. Individuals having a personal, pecunary, particular interest in courts of request, courts of hundreds, and other local courts, had proved too many for his noble Friend and himself, and for the present they had failed. He differed from his noble and learned Friend as to one important principle of the bill, upon which local tribunals should be established. His noble and learned Friend recommended an ambulatory court, while he (Lord Brougham) preferred one of a stationary character; but that there ought to be county courts of extended jurisdiction no one who had considered the subject without the bias of sinister interests could entertain a doubt. He hoped, when next he brought forward this important subject, his noble and learned Friend would not have to encounter any such selfish and factious opposition, and that soon they would have a system introduced for bringing home cheap, effectual and pure justice to the doors of the people of this country. He had a right to expect that those noble Friends of his who had the patronage of the local courts likely to be injured by the measure, would be found wholly above all wish to oppose it on that ground. Why did he entertain this expectation? Because when his more extensive measure was brought forward in 1833, those noble persons, generally speaking, gave it their support, regardless of its interference with their patronage. Having always, in his own sphere, and according to the measure of his power, done his utmost to further the amendment of the laws, he felt he should not have been discharging his duty, if he had suffered the present occasion to pass without again declaring his heartfelt gratitude to the Government for their support of those measures, and his anxious hope that their efforts in the same direction might be still more fortunate next Session. Much had already been done, and that to him was an encouragement to hope and trust that still more would hereafter be accomplished, to the incalculable benefit of the people of this country.

Subject at an end.

House adjourned.

HOUSE OF LORDS,

Friday, August 12, 1842.

MINUTES.] BILLS. *Public.—Received the Royal Assent.*—Canada Loan; Ecclesiastical Corporations; St. Asaph and Bangor Preferments; Exchequer Bills; Consolidated Fund; Bankruptcy Law Amendment; Insolvent Debtors; Boroughs Incorporation; Coventry Boundary; Newfoundland; Parish Constables; Slave Trade (Portuguese Vessels); East India Bishops; Colonial Passengers; Marriages (Ireland); Lunatic Asylums (Ireland); Manchester, Birmingham, and Bolton Police.

PROROGATION OF PARLIAMENT.] HER MAJESTY this day prorogued Parliament in person.

Sir Augustus Clifford, the Usher of the Black Rod, was then commanded to summon the Commons, and shortly afterwards, The Speaker of the House of Commons, attended by a great number of Members, having come to the Bar of the House,

The Speaker addressed HER MAJESTY as follows :—

" MOST GRACIOUS SOVEREIGN,—We, your Majesty's faithful Commons, of the United Kingdom of Great Britain and Ireland, attend your Majesty with our last Bill of Supply.

" Amongst the various and important matters in which we have been engaged during an unusually laborious Session, our attention has been especially directed to the amendment of the Bankruptcy Laws, so deeply affecting the interests of trade; and to an Act by which an improved value is given to Ecclesiastical Property, thereby rendering it more available to the spiritual wants of the people. We have afforded additional encouragement to literature by giving a better security to literary property, and we have endeavoured to protect the more helpless portion of the poor from a degrading and demoralizing employment in mines and collieries. Other measures, however, have pressed upon our consideration of still higher interest, as connected with the financial and commercial policy of the country.

" We have made an important modification in the Corn-laws. By a reduction of duty, and by an alteration of the averages by which that duty is regulated, we have endeavoured to secure a greater steadiness of supply —to lower the price to the consumer —to moderate its fluctuations—and to convert what is now uncertain and speculative into a regular and beneficial trade. We have, at the same time, afforded adequate protection to that large class of your Majesty's subjects who are engaged in or connected with agriculture.

" In obedience to your Majesty's commands, we have given the most anxious consideration to the state of the finance and expenditure. We have found it necessary by additional taxation to provide for the increased exigencies of the public service, and for the maintenance of the national credit. In making this provision by means of an Income-tax, we have relieved the less wealthy portion of the community from the direct pressure of its operation, and we have taken advantage of the resources which this impost will supply to make considerable ameliorations in our Commercial Tariff. We have accordingly reduced the import duties upon various articles of general consumption, and upon the material of some of our principal manufactures.

To these alterations in the Tariff, and to the extended commerce which must result from their adoption, we confidently look for a revival of that trade which has of late been so unnaturally depressed in the manufacturing districts. From these sources, under the blessing of Divine Providence, we venture to anticipate the gradual alleviation of that severe distress which has spread so widely and fearfully amongst the people—and which, while it commands our warmest sympathy, has afforded, for the most part, an example of patient endurance, and unabated loyalty alike entitled to our admiration and respect. The Bills which I have now respectfully to tender to your Majesty are severally entitled

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to which, with all humility, we pray your Majesty's royal assent.

HER MAJESTY was then pleased to make a most Gracious Speech as follows:—

" *My Lords and Gentlemen,*

"The state of public business enables me to release you from further attendance in Parliament.

" I cannot take leave of you without expressing my grateful sense of the assiduity and zeal with which you have applied yourselves to the discharge of your public duties during the whole course of a long and most laborious Session.

" You have had under your consideration measures of the greatest importance connected with the financial and commercial interests of the country calculated to maintain the public credit, to improve the national resources, and, by extending trade and stimulating the demand for labour, to promote the general and permanent welfare of all classes of my subjects.

" Although measures of this description have necessarily occupied much of your attention, you have at the same time effected great improvements in several branches of jurisprudence, and in laws connected with the administration of domestic affairs.

" I return you my especial acknowledgments for the renewed proof which you afforded me of your loyalty and affectionate attachment, by your ready and unanimous concurrence in an Act for the increased security and protection of my person.

" I continue to receive from all Foreign Powers assurances of their friendly disposition towards this country.

" Although I have deeply to lament the reverses which have befallen a division of the army to the westward of the Indus, yet I have the satisfaction of reflecting that the gallant defence of the city of Jellalabad, crowned by a decisive victory in the field, has eminently proved the courage and discipline of the European and native troops, and the skill and fortitude of their distinguished commander.

" *Gentlemen of the House of*
"*Commons,*

" The liberality with which you have granted the supplies, to meet the exigencies of the public service, demands my warm acknowledgments.

" *My Lords and Gentlemen,*

" You will concur with me in the expression of humble gratitude to Almighty God for the favourable season which his bounty has vouchsafed to us, and for the prospects of a harvest more abundant than those of recent years.

" There are, I trust, indications of gradual recovery from that depression which has affected many branches of manufacturing industry, and has exposed large classes of my people to privations and sufferings which have caused me the deepest concern.

" You will, I am confident, be actuated on your return to your several counties by the same enlightened zeal for the public interests which you have manifested during the discharge of your Parliamentary duties, and will do your utmost to encourage, by your example and active exertions, that spirit of order and submission to the law which is essential to the public happiness, and without which there can be no enjoyment of the fruits of peaceful industry, and no advance in the career of social improvement."

The Lord Chancellor then prorogued the Parliament to Thursday, the 6th day of October.

HOUSE OF COMMONS,

Friday, August 12, 1842.

Minutes.] Petitions Presented. From James Bowditch, complaining of the Illegal Detention in the Island of Jersey of Rigby Collins.— From Glasgow, Swinnerton, Leek, Nantwich, Girvan, Brindle, Milton, New Lanark, Milnathorpe, Fintry and Sudbury, for Repeal of the Corn-laws. —From Glasgow, to encourage the Importation of Grain in preference to Flour.—From Rochester and Chatham, for allowing the Duty on Stocks of Wine in hand.—From Rochester, complaining of Bribery at the last Election, and praying for Inquiry.—From Glasgow, against the Reduction of the duty on Cordage.—From Lauder and Warminster, for ameliorating the condition of Schoolmasters (Scotland).

The Income Tax.] Mr. *T. Duncombe* asked the Chancellor of the Exchequer if, in all future quarterly accounts of the Income tax, it was intended to include, as separate items, the amount of the tax stopped at all the public offices, and the sums received from the amount so stopped from persons whose incomes were under 150*l.* a year? He understood that this was done under the old Income-tax.

The *Chancellor of the Exchequer* said, this would be practicable if the House required it, but he believed the accounts would only contain the several gross amounts received from different sources.

Mr. *Hume* said, the accounts ought to give the aggregate amount received from each schedule for each quarter, leaving the details to be given afterwards. It was very important that they should be able to see how the Income-tax bore on the other taxes of the country.

Mr. *Duncombe* said, he understood that it would be four or five months before persons with incomes under 150*l.* per annum would be able to recover the amount deducted from payments made to them in the manner he had alluded to.

Mr. *Ewart* asked the Chancellor of the Exchequer whether he was aware that the government of France intended to tax the English holders of French dividends, in consequence of the French holders of English funds having been taxed by the income tax in this country? By this means the English holder would be twice taxed—once on his income in this country, and again by the tax imposed by France.

The *Chancellor of the Exchequer* had never heard such a report. He had heard it stated as an argument against the Income-tax, but never as a measure likely to be carried into effect.

Public Meetings — Exchequer Bills—Outstand at Manchester.] Mr. *T. Duncombe* said, he had taken the liberty of informing the Secretary of State for the Home Department that he intended to put a question to him relative to a correspondence he meant to move for between the Home Secretary and the mayor of Bridport, in reference to a supposed Chartist meeting, at which violent language was used, held on the 21st of July. The right hon. Gentleman had felt it his duty to inquire into the circumstances of the meeting, and on the 1st of August addressed the following letter to the mayor of Bridport, signed by Mr. Manners Sutton, requesting to be informed of the nature of the said meeting:

"*Whitehall, August* 1, 1842.

"Sir—I am directed, by Secretary Sir James Graham to acquaint you that he has been informed of a Chartist meeting which was held in the Town-hall at Bridport, under the sanction of the town authorities, on the 21st July, and at which violent language was used. Sir James Graham requests that you will transmit to him a report on the subject, and inform him whether the statement, which has been made to him, is correct,

"I am sir, your obedient servant,
H. Manners Sutton.

"The Mayor of Bridport."

To which the town clerk of Bridport returned the following reply:—

"Sir—In reply to the letter of the 1st instant addressed to the Mayor of Bridport, and requesting to be informed whether a statement made to you of a Chartist meeting having been held in the Town-hall at Bridport, under the sanction of the town authorities, on the 21st of July, at which violent language was used, is correct, I beg to state that the Mayor of Bridport has been absent from the borough from the 8th of July; that the Town-hall is held by the council of the borough as trustees, having received such trust from the former trustees under the 79th section of the Municipal Reform Act; that the council leave the control of the room to the discretion of the mayor for the time being; that, in the absence of the mayor, applications are made to me, as town-clerk, for the use of it; that on or about the 19th of July, a most respectable member of the Society of Friends) a member also of the town-council), applied to me for the use of the Town-hall, for one evening, for the Rev. Mr. Spencer, of Hinton Charter-house, Somerset, to deliver a lecture, the programme of which was announced by the accompanying hand-bill; that I immediately acceded to the request, and afterwards attended the lecture from beginning to end, and that the lecturer spoke throughout, in a spirit and temper becoming his sacred profession, most earnestly and impressively, and without even the slightest approach to violence of language or gesture. Indeed, the whole of the proceedings were perfectly decorous, and, as far as I heard, were once only interrupted, and then by some drunken person, who probably, if he had any opinion at all, differed in opinion from the Rev. lecturer. So unexceptionable was the language used by the lecturer, that, for his sake, I felt somewhat indignant, although by no means surprised, on reading in the *Dorset County Chronicle,* of the following week, a very scandalous and false statement on the subject; and I was not until then aware, that the assembly of some of the most respectable inhabitants of the town (female as well as male) to hear the lecture, was considered by any one to be a Chartist meeting, although I recollect that there was allusion made to what are called 'the points of the Charter.' I believe that a day or two previous to the 21st July, Mr. Spencer had much gratified by his speeches those who attended in the same hall, on one evening, a Bible Society meeting, and on another evening, a meeting of Teetotallers, and this probably induced a larger attendance to hear a lecture on the interesting subject of 'free-trade, and how to get it." The town-hall is and has been used for a variety of purposes, such as the petty sessions of the county and borough magistrates, Dorcas societies, lying-in societies, Bible societies, teetotal meetings, conjurers, Protestant associations to abuse and vilify Catholics and Dissenters, Catholics to vindicate themselves and their doctrines, bazaars, Independents, Baptists, Wesleyan Methodists, and even Unitarians; tea meetings, Church, and other missionary societies, teachers of the art of boxing, vocal and instrumental performers, societies for aiding shipwrecked seamen, meetings of commissioners of turnpikes and other commissioners, Anti-Corn-law lectures, Pro-Corn-law lectures (if required), agricultural and political dinners, &c. &c.

"Those persons who are understood to make a direct profit by their exhibitions, and by the use of the Town-hall, pay a moderate sum to the trustees; but those who instruct the people in political and other interesting sciences, are admitted to its use gratuitously, but I apprehend that no person would be permitted to use it whose opinions promulgated there would be likely 'to inflame the minds of the people,' or endanger the Queen's peace. With all these advantages the working classes of Bridport are, as might reasonably be expected (and I can speak from long experience, having lived among them for upwards of thirty years), a very peaceably-disposed and loyal community.

"I have the honour to be, Sir,
"Your most obedient servant,
"E. Nicholetts,
Town Clerk of Bridport."

"*Bridport,* Aug. 3, 1842.

"To her Majesty's principal Secretary of State, Home Department, Whitehall."

He (Mr. Duncombe) was anxious to obtain this information and this correspondence, because it was rather consistent with that disposition he regretted to see in the present Government to interfere with the rights of public discussion. He wished to know on what authority the right hon. Baronet had made his inquiry, and who was his informer; whether it was the constituted authorities of the town, or one of those wretches he was sorry to see employed—a description of spy. Even if the points of the Charter were advocated, he did not see that this could justify the interference of the Secretary of State. He moved that copies of the correspondence between the Home Secretary and the mayor of Bridport, in reference to this subject, be laid on the Table.

Sir *James Graham* considered it his duty to give his most decided opposition to this motion. The hon. Gentleman had told him that he intended to put a question to him with respect to the correspondence, of which he had read a portion, between the Home Office and the mayor of Bridport, but he had given no notice of any motion for the production of copies of that correspondence. The hon. Gentleman had thought fit to insinuate—hardly to insinuate—for the hon. Member was bold enough to assert, that he had obtained his information through means of a spy. He absolutely and distinctly denied the imputation that a spy had been employed by him or any other member of her Majesty's Government in any part of the United Kingdom. It was a system which he unequivocally disclaimed; he believed that it was dangerous in the extreme; that those who employed spies were usually deceived by them, and that a Government honestly bent on putting down turbulence and disorder, only promoted those evils by the employment of spies. On the other hand, he held himself responsible for the maintenance of peace and good order. It was in consequence of a communication which he received from respectable inhabitants of the town of Bridport, clearly and distinctly complaining to him as Secretary of State of the language used at the meeting in the Town-hall, that he applied to the mayor. On receiving that information, what course did he take? Did he take an underhand course? The moment he received the information he wrote a letter to the mayor, and asked him was it true that a Chartist meeting had been held in the Town-hall of Bridport, at which violent language was used? It was reported to him that this passage occurred in the lecture of the rev. gentleman; it was this passage that made him put the question to the mayor. It was reported to him that the rev. gentleman said:—

> "The Government is corrupt in the extreme, and it could not exist if it had not men base enough to list as soldiers, to be appointed policemen, and to sit in the jury-box to find their fellow-creatures guilty."

Such a reference to the Government of the country and the trial by jury, without any strained construction of the language, seemed to him to be dangerous in the extreme, and it was, therefore, he asked the mayor whether it was true that a Chartist meeting in the Town-hall, where violent language had been used, had received the sanction of the town authorities? To that question, he received the answer, part of which the hon. Gentleman had read. He was disposed to think, from the vast variety of subjects discussed in the Town-hall, that it must add much to the spread of knowledge, and inasmuch as the town-clerk had given him a positive assurance that the Town-hall would not be given to any person whose opinions, if promulgated, would be likely to inflame the minds or disturb the peace of the Queen's subjects, he allowed the subject to rest there. Having received from the authorities of Bridport such an assurance as that, he was bound to believe that the information contained in the private letter from Bridport was untrue, and that it was impossible that the town-clerk could give such an assurance if any such language had been used as he had just read. After that general and solemn assurance, he did not think it necessary to carry the matter further. He had recently proved by his conduct that he was by no means indisposed to favour municipal government, and that he believed it to possess great advantages for preserving the public peace, but to do this the municipal authority ought not to be abused. He thought that the Government was entitled to receive from those authorities every assistance in the maintenance of peace and order, and he could not conceive that he overstepped the line of his duty, if, on being informed that any proceeding had occurred in any municipality contrary to the peace, order, and good government of society, while he by all means disclaimed the use of spies, he, on the part of the Executive Government, appealed to the municipal authorities, stated the information he had received, and asked for an explanation. For such an explanation he had asked on the present occasion. He had willingly given this full and frank statement. In the present state of the country it was desirable that such information should be given, and he was bound to state that the good effects of it had been recently proved. It was undoubtedly true, that in Manchester and its neighbourhood some serious disturbances had lately arisen from a quarrel between the masters and workmen with respect to the rate of wages. He had been in daily communication with the magistrates of Manchester, and he could state, that all the master manufacturers, without distinction of party, had assembled, and used the utmost exertions to maintain property and peace in that community. He had derived the utmost advantage from having a facility of communication with the constituted authorities in that neighbourhood. He was bound to say, that so far as the execution of his duty went, he would endeavour to uphold the constituted authorities, but at the same time he should expect from them zealous co-operation in the maintenance of law, peace, and good government. He was thankful to the hon. Gentleman for having afforded him an opportunity of stating the grounds of the course which he meant to pursue with respect to the municipal authorities on the one hand,

and the assistance which he considered the Government entitled to expect from them on the other hand.

Mr. *Hawes* now for the first time heard a Secretary of State avow, that it was his intention to superintend public meetings in this country, to write to the constituted authorities for reports of them, to decide himself whether the language was violent or not, and to require from the municipal bodies assurances that the town-halls should not be lent for purposes of which he disapproved. Why then had the right hon. Gentleman stated, that, if he had not received that assurance, he would have followed the matter up? He was certain, that the municipal bodies were not to be controlled by a Secretary of State, who had told the constables throughout the country, that they were to be the sole judges whether a meeting was lawful or not. Was the peace broken at Bridport? There was certainly a discussion on free-trade and the Corn-laws; but could that make the meeting illegal? He did not believe, that there was any precedent to be found for the course taken by the right hon. Baronet, except perhaps in cases of the highest exercise of prerogative. He hoped, that the people would meet and discuss their grievances till their meetings and discussions should force the Goverment to satisfy their demands. The legislation of the present Session had not satisfied the people of this country, and they were now told that their discussions were to be watched over by a Secretary who once boasted of his Whig principles. He owned he was astonished at the doctrines of the right hon. Baronet. The right hon. Baronet might seek to put down public discussions, but he would find the firmness and love of liberty on the part of the people too strong for him.

Sir *J. Graham* said, the hon. Gentleman reminded him of his Whig principles. He wanted to know how long existed the connection between Whig principles and Chartism. Other Whigs might answer the question, but for himself he must say *non hæc in fœdera veni.* As far as he knew Whig principles, there was every desire on the part of genuine Whigs to sanction the legitimate exercise of the right of presenting petitions; but he had yet to learn that it was consistent with Whig principles to state that it was base on the part of the community to enlist as soldiery, to act as policemen, or to sit in the jury box. If those were the Whig principles for which Gentlemen on the other side contended, it was better that men of property and station might understand them, and that there should be no mistake with respect to the principles which divided the two sides of the House. He totally denied any interference with the exercise of the right of petition, but no expression of the hon. Gentleman, however taunting, could deter him from endeavouring to prevent a breach of the peace.

Mr. *Hawes* explained. He had not said one word about Whig principles in connection with the words alleged to have been used by Mr. Spenser, and the right hon. Gentleman must have known that full well. The principles which the right hon. Gentleman was now propounding were not Whig principles, and it was odd, that while he was asserting his right to Whig principles he was sitting among the Tories.

Mr. *Hume* was glad to hear the statement of the right hon. Baronet with respect to the employment of spies; it was very important that the public mind should be disabused on that subject. He had received a letter from Bridport on the subject of the meeting, from which it appeared that the words in question were directed against the spy system. The object of the speech was to denounce any person who either as a policeman, a juryman, or in any other character, would lend his aid to prevent free discussion. He would take that opportunity of putting a question to the right hon. Barone ton a subject of very great importance, referring, as it did, to the present state of Manchester. He wished to know whether he would have any objection to lay on the Table of the House a copy of the correspondence which had passed between the officer in command of the military in Lancashire and the Home Office, in reference to the maintenance of the peace. The town of Manchester was now in a state of civil war. What did it arise from? Nominally from a quarrel between the masters and their workmen with respect to wages; but in point of fact, it arose from the want of employment, which might be provided by proper and honest legislation. It appeared to him that her Majesty's Ministers were about to dismiss Parliament at a time when the country was in a most dangerous condition. He would beg leave when the present motion was disposed of, to move for a copy of the correspondence to which he had referred.

Mr. *C. Buller* said, he rose partly for the purpose of expressing his regret at the hasty manner in which he had expressed himself on the subject of Exchequer-bills on a former evening. His warmth arose from his being brought in contact with persons who had suffered greatly from what had taken place. All he wanted was, that the right hon. Gentleman should take into his consideration the great suffering which had been borne by the holders of these bills, not only from the loss of their property, but from the locking up of their capital for a period of eighteen months, the total suspension of large commercial operations, and occasionally from imputations upon their character. He wished to ask the right hon. Gentleman whether it was the intention of the Government to make their measure on this subject one of the first measures of the next Session.

The *Chancellor of the Exchequer* felt obliged to the hon. and learned Member for the manner in which he had brought the subject forward, and, with the permission of the House, he would now state the precise situation in which the question stood. At the commencement of the present Session, a commission was appointed to inquire into what the real state of the transaction was with respect to Exchequer bills. The House thought it necessary the subject should be examined into by persons of impartiality, but at that time it was distinctly understood that those commissioners were not to pronounce any opinion on the question of compensation; that was to be reserved for the future deliberation of Parliament and the Government. He regretted extremely, that from causes that could not be controlled, that report had been presented at so late a period of the Session as to make it impossible for Parliament to decide upon the question of the extent of the compensation to the different classes. He should have been happy, if time had been allowed for the consideration of the subject, for he felt deeply for the distresses of those individuals, not only on account of their losses but from their being supposed to be implicated in fraudulent transactions. He thought many of the cases of the claimants were entitled to the favourable consideration of Parliament, and he had no wish to avail himself of technical objections. In conclusion, he could assure the hon. and learned Gentleman, that if he remained in the office he now held till the next Session, one of the first measures that would be proposed would be one on the subject of the claims of these parties.

Sir *Thomas Wilde* begged to express his dissent from the doctrines laid down by the right hon. Baronet. What, he would ask, was the difference between a free and a despotic government—what distinguished the present times from the worst days of the Stuarts. Was it not that the people conceived they had the power of expressing their opinions, either verbally at public meetings, or by writings—they being responsible for what they might do and say? He did not believe that the principles which were to be deduced from the expressions of the right hon. Baronet were those which the right hon. Baronet really entertained, nor would he believe them to be so until he saw the right hon. Gentleman act upon them. He did not complain of the act done by the right hon. Baronet in the present instance. It was an act perfectly consistent with free Government and no just complaint could be founded upon it. He thought it was the duty of the right hon. Gentleman to make inquiry into the subject of the meeting that had been adverted to; but the principle that had been avowed by the right hon. Baronet would put an end to the expression of public feeling altogether. Were the paramount party in that House of opinion that the controlling power should not permit these meetings to take place? That supervision the right hon. Baronet avowed indicated a dangerous opinion in the Government as regarded the public liberty. Were the majority of that House—a majority enabling the Ministry to pass measures at their discretion—of opinion that in these times of distress meetings should not be permitted to be held at which were discussed topics calculated to inflame the public mind? Why, could the distress that existed be made a topic of discussion without inflaming the public mind. Who was to define what was calculated to inflame the minds of the people? Were public meetings to be confined to one side? Or, he would ask, could the people be prevented from meeting? No, they could not; and, if not, where was the most fitting and the safest place for them to meet? Was it not in a municipal building, under the eye of the authorities? Or did the Government desire to drive the people to the fields and open spaces, there to assemble in greater masses than could be contained in a public building? Was it better that meetings should be held in Spa-fields than in Guildhall? A more dangerous doctrine could not be promulgated than that public meetings should be prevented on the ground that the opinions there expressed were calculated to inflame the public mind. He repeated, he was not complaining of the act of the right hon. Baronet, but, dissenting from his sentiments—sentiments which might lead to most dangerous consequences—but sentiments which at the same time he acquitted the right hon. Baronet of really entertaining. If, however, the right hon. Baronet should ever act upon the principles implied by his expressions, he (Sir T. Wilde) trusted that such conduct would be visited by the unanimous reprobation of that House.

Mr. *Mark Philips* assured the right hon. Baronet, that there was every disposition on the part of the municipal authorities at Manchester to support the law with firmness and humanity, and that the manufacturers as a body would co-operate in that object. At the same time he urged Parliament not to separate under the impression that the distress that prevailed and the evils which it had brought about were mere passing events. He implored the Government to give to the evils prevailing in the manufacturing districts their most earnest and solemn consideration. They were evils that threatened to disorganise society, and to spread themselves wider and wider, until they involved the whole country in one common ruin and one common downfall.

Mr. *Cobden* said, that because he had prophesied the occurrence of the evils that now existed, he had been accused of being the cause of them. He asked the House to consider the position in which the manufacturers stood. Who were more liable than they to the destruction of their property? Children had been instructed to destroy the spinning machines with knitting needles, and a box of lucifers could destroy the greatest amount of manufacturing capital. Could the right hon. Baronet hold out no hope? Had he nothing to say? He would tell the Government there was danger of dire confusion. At present he did not believe there was a settled purpose in the minds of the people, and confusion was the most fitting term to apply to the state they were in. He believed there was less danger from Manchester than from other places, but with regard to even that town he exhorted the right hon. Baronet not to bring in the Yeomanry Cavalry but particularly the Cheshire Yeomanry, against whom the people entertained strong feelings of dislike, in consequence of what occurred in 1819. The people did not entertain any hostility against the regular troops, and Colonel Wemyss was very popular. He heard that the Mayor of Stockport had sent for troops, but he hoped that the regular troops would be employed.

Mr. *Hamilton* rose to point out to the House, that the report of the committee on the western coast of Africa (delivered that morning) was inaccurate, and required to be reprinted.

Mr. *Ward* rose to order. The motion of his hon. Friend was before the House, and was not yet disposed of. He hoped the right hon. Baronet would give some answer—some assurance, which would produce the moral effect alluded to by the hon. Member for Stockport. He trusted that some safety-valve would be opened which would give employment to the people. The inquiries of the right hon. Gentleman the Secretary of State for the Home Department into the conduct of the municipal authorities would do little. If an opening to the proper expression of the people was refused, the people would be thrown into the hands of secret agitators. He urged the right hon. Gentleman to be cautious in the present state of the country. All his prudence and all his powers would be put to a severe trial, and he wished the right hon. Gentleman well through the ordeal. But he knew that an assurance from the right hon. Baronet that something would be done, would do more to pacify the country than any military strength which might be brought together.

Sir *R. Peel*: I was happy to hear some hon. Gentlemen deprecate the use of exciting language under the present circumstances of the country, and I wish others would follow the same example; but it is well known that whilst the people have borne their ills with unexampled forbearance, studious attempts have been made to inflame them to a contrary course. [An hon. *Member*: By whom?] By whom;

The hon. Gentleman cannot have read the proceedings at the public meetings which have taken place for some time past without seeing that it was so. [Mr. *Cobden*: The people were remarkably quiet.] I know they were. I know they were remarkably quiet, and they would have continued to be so, seeing that there was every disposition on the part of the Government to do all in its power to alleviate the present distress. They would continue to be so, but for the studious efforts which have been made to excite them. To their credit be it spoken, the people were remarkably quiet—they were in no degree to blame—but there were others who indulged in the use of language calculated to lead to a contrary result. It remains yet to be seen whether they may not have reason to repent of having adopted such a course. The hon. Gentleman (Mr. Cobden) calls upon me to say something which may hold out hopes to the country, and produce the effect of leading to a greater demand for present employment. If I have a distrust of being able, by legislative means, to do any thing which will lead to a greater extension of permanent employment, such as would alleviate the existing distress, I hold it to be my duty to abstain from encouraging hopes which it is not in my power, nor in the power of the Legislature, to realize. You assume that we have the power, but I, acting upon the best judgment which I can form, and giving the subject the fullest consideration, entertain strong doubts as to the efficacy of the measures which you recommend; and I therefore think that great caution and discretion should be used before resorting to expedients which would only produce some temporary effect. I do not think it wise to create a factitious demand for labour by making promises, and holding out hopes, which would afterwards prove delusive. If I adopted the remedy upon which the hon. Member for Stockport so confidently relied, and if this remedy should, as I conceive it would, prove ultimately to be a failure, should I not be justly liable to the charge of having held out hopes which proved delusive? Why, who would be the first to bring the charge of holding out delusive hopes against me? Would it not be the hon. Member for Stockport himself, and those by whom he is surrounded? If the evils under which the country suffers are to be remedied, as they aver, by the removal of restrictions, have I not done more to that end during the present Session than any other Administration has effected for many years? [*Loud cheering.*] Ay, ten times more than any other Administration. If too great a pressure on the springs of industry and too close a system of commercial restriction have been the cause of the distress, more has been done at my instance and through my instrumentality to remove this cause than has been done by any preceding Administration. The hon. Member for Montrose has more than once admitted this in the course of the Session. You say, that in adopting the principles, I should have gone much further; but I say I have done more than any of my predecessors. I was accused as the cause of the rise in the price of corn, but now that it has fallen you will give me no credit for it. It has fallen, notwithstanding your predictions to the contrary; and let me ask, is there no hope of a progressive fall in the course of a few months? According to your own doctrines this prospect holds out a source of relief—holds out a prospect of increased employment; and is it not better to give the present law a fair trial, seeing that it has already been, to a certain extent, successful, rather than that I, by vague assurances, should excite hopes which may never be realised? On the whole, it is my belief that the promises which I held out in consequence of the alterations which have been made in the law will be ultimately fulfilled, and that the 3 per cent. upon income which was required for the relief of the necessities of the State, and to equalize the income with the expenditure, will be fully made up by the provisions of the late tariff. I wish not to be misunderstood or be supposed to state that the tariff will make up the amount upon any one particular article. It will not make it up upon meat or bread alone, but its combined operation as respects the whole of the articles will produce a reduction in the cost of living equal to the amount of the tax. The measures which I have introduced will produce more benefit to the shipping trade than any which have been passed for the last fifty years, I admit that there are modes by which a temporary prosperity might be created. might create a temporary prosperity by the issue of 1*l.* notes, and by encouraging the Bank to make large issues of paper; but such a prosperity would be wholly delusive. It is much wiser, in my opinion, to abstain from the application of any temporary stimulus.

THE PROROGATION.] The Usher of the Black Rod advanced to the Table, and summoned the House to the House of Lords, to hear the Queen's Speech.

The *Speaker*, accompanied by several Members immediately proceeded to the House of Lords. After a short absence the right hon. Gentleman returned, and announced that the House had been to the Lords to hear her Majesty's most Gracious Speech which the right hon. Gentleman read (see *ante*, p. 1301), and then informed the House that the Parliament was prorogued.

The House then rose.

END OF SESSION 1842.

LIST OF ACTS.

A
TABLE
OF
All the STATUTES passed in the SECOND Session of the FOURTEENTH Parliament of the United Kingdom of *Great Britain* and *Ireland*.

5° & 6° *VICT.*

PUBLIC GENERAL ACTS.

i. AN Act better to provide for the Application to the Service of the Year One thousand eight hundred and forty-one of the Sums granted in the Two last Sessions of Parliament.

ii. An Act to enable His Royal Highness *Albert Edward* Prince of *Wales* to make Leases and Grants of Land and Hereditaments, Parcel of His said Royal Highness' Duchy of *Cornwall*, or annexed to the same; and for the other Purposes therein mentioned.

iii. An Act to confirm an Act of the Legislature of *Van Diemen's Land* for authorizing the Levy of certain Duties of Customs and on Spirits.

iv. An Act to provide for the Increase of the Number of Bishoprics and Archdeaconries in the *West Indies*, and to amend the several Acts relating thereto.

v. An Act to continue to the First Day of *August* One thousand eight hundred and forty-three the Act to amend the Laws relating to Loan Societies.

vi. An Act to amend an Act of Her present Majesty for vacating any Presentment for rebuilding the Gaol of *Newgate* in *Dublin*, and any Contract between the Commissioners for rebuilding the said Gaol and the Contractor.

vii. An Act to explain the Acts for the better Regulation of certain Apprentices.

viii. An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-two.

ix. An Act to authorize the Advance of Money out of the Consolidated Fund to a limited Amount for carrying on Public Works and Fisheries, and Employment of the Poor; and to amend the Acts authorizing the Issue of Exchequer Bills for the like Purposes.

x. An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and forty-three; and for the Relief of Clerks to Attornies and Solicitors in certain Cases.

xi. An Act for appointing Commissioners to inquire as to the Issue, Receipt, Circulation, and Possession of certain forged Exchequer Bills.

xii. An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

xiii. An Act for the Regulation of Her Majesty's Royal Marine Forces while on Shore.

xiv. An Act to amend the Laws for the Importation of Corn.

xv. An Act to impose an additional Duty on Spirits, and to repeal the Allowance on Spirits made from Malt only, in *Ireland*.

xvi. An Act to continue, until the End of the Session of Parliament next after the Thirty-first Day of *July* One thousand eight hundred and forty-four, certain of the Allowances of the Duty of Excise on Soap used in Manufactures.

xvii. An Act for preventing, until the First Day of *May* One thousand eight hundred and forty-five, Ships clearing out from any Port in *British North America*, or in the Settlement of *Honduras*, from loading any Part of their Cargo of Timber upon Deck.

xviii. An Act to explain and amend the Acts regulating the Sale of Parish Property; and to make further Provision for the Discharge of Debts, Liabilities, and Engagements incurred by or on behalf of Parishes.

xix. An Act to empower the Commissioners of Her Majesty's Woods to form a new Opening from the *Knightsbridge* Road into *Hyde Park*, and a new Opening from *High Street, Kensington*, into an intended new Road across the Palace Green; and for annexing a Piece of Extra-parochial Ground in the Royal Garden to the respective Parishes of *Saint Mary Abbots Kensington* and *Saint Mary Paddington* in several Portions.

xx. An Act to extend an Act passed in the Fourth and Fifth Years of Her present Majesty, for enabling Her Majesty's Commissioners of Woods to purchase certain Lands for *Victoria Park*.

xxi. An Act for raising the Sum of Nine millions one hundred thousand Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and forty-two.

xxii. An Act for consolidating the Queen's Bench, Fleet and Marshalsea Prisons, and for regulating the Queen's Prison.

xxiii. An Act to continue until the Thirty-first Day of *July* One thousand eight hundred and forty-three, and to the End of the then Session of Parliament, the several Acts for regulating Turnpike Roads in *Ireland*.

xxiv. An Act for improving the *Dublin* Police.

xxv. An Act to repeal the present and impose and allow new countervailing Duties and Drawbacks of Excise on Mixtures and Preparations made with Spirits, when removed from or into *England*, *Scotland*, or *Ireland* respectively; and to suspend for a limited Time so much of an Act of the present Session as repeals the Allowance on Spirits made from Malt only in *Ireland*.

xxvi. An Act to alter and amend the Law relating to Ecclesiastical Houses of Residence.

xxvii. An Act for better enabling Incumbents of Ecclesiastical Benefices to demise the Lands belonging to their Benefices on Farming Leases.

xxviii. An Act to assimilate the Law in *Ireland*, as to the Punishment of Death, to the Law in *England*; to abolish the Punishment of Death in certain Cases in *Ireland*, and to substitute other Punishments in lieu thereof.

xxix. An Act for establishing a Prison at *Pentonville*.

xxx. An Act to provide Regulations for preparing and using Roasted Malt in colouring Beer.

xxxi. An Act to indemnify Witnesses who may give Evidence before the Committee appointed by the House of Commons to inquire "whether corrupt Compromises have been entered into in the Cases of Election Petition presented from *Harwich*, *Nottingham*, *Lewes*, *Penryn*, and *Falmouth*, *Bridport*, and *Reading*, for the Purpose of avoiding Investigation into gross Bribery alleged to have been practised at the Elections for the aforesaid Towns, and whether such Bribery has really taken place."

xxxii. An Act for better recording Fines and Recoveries in *Wales* and *Cheshire*.

xxxiii. An Act to amend and explain so much of Two Acts, of the Sixth and Seventh Years of His late Majesty, and of the First Year of Her present Majesty, as relates to the Execution of Civil Bill Decrees for the Possession of Land in *Ireland*.

xxxiv. An Act for granting to Her Majesty, until the Fifth Day of *July* One thousand eight hundred and forty-three, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and forty-two.

xxxv. An Act for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices, until the Sixth Day of *April* One thousand eight hundred and forty-five.

xxxvi. An Act for regulating the Sale of Waste Land belonging to the Crown in the *Australian* Colonies.

xxxvii. An Act to continue until the Fifth Day of *April* One thousand eight hundred and forty-four, Compositions for Assessed Taxes; and to amend the Laws relating to the Land and Assessed Taxes.

xxxviii. An Act to define the Jurisdiction of Justices in General and Quarter Sessions of the Peace.

xxxix. An Act to amend the Law relating to Advances *bonâ fide* made to Agents intrusted with Goods.

xl. An Act for carrying into effect the Treaty between Her Majesty and the *Argentine* Confederation for the Abolition of the Slave Trade.

xli. An Act for carrying into effect a Convention between Her Majesty and the Republic of *Hayti* for the more effectual Suppression of the Slave Trade.

xlii. An Act for better and more effectually carrying into effect Treaties and Conventions with Foreign States for suppressing the Slave Trade

xliii. An Act to confirm certain Proceedings which may have been had after the passing of the Act intituled *An Act to define the Jurisdiction of Justices in General and Quarter Sessions of the Peace*.

xliv. An Act for the Transfer of Licences and Regulations of Public Houses.

xlv. An Act to amend the Law of Copyright.

xlvi. An Act to amend an Act of the Third and Fourth Years of Her present Majesty, for the Regulation of Municipal Corporations in *Ireland*.

xlvii. An Act to amend the Laws relating to the Customs.

xlviii. An Act to provide for the Relief of the Poor in the Forest of *Dean* and other Extraparochial Places in and near the Hundred of *Saint Briavel's* in the County of *Gloucester*.

xlix. An Act to amend the Laws for the Regulation of the Trade of the *British* Possessions abroad.

l. An Act to continue, until the First Day of *October* One thousand eight hundred and forty-three, the Exemption of Inhabitants of Parishes, Townships, and Villages from Liability to be rated as such, in respect of Stock in Trade or other Property, to the Relief of the Poor.

li. An Act for providing for the further Security and Protection of Her Majesty's Person.

lii. An Act to indemnify Witnesses who may give Evidence before the Lords Spiritual and Temporal on a Bill to exclude the Borough of *Sudbury* from sending Burgesses to serve in Parliament.

liii. An Act to encourage the Establishment of District Courts and Prisons.

liv. An Act to amend the Acts for the Commutation of Tithes in *England* and *Wales*, and to continue the Officers appointed under the said Acts for a Time to be limited.

lv. An Act for the better Regulation of Railways, and for the Conveyance of Troops.

lvi. An Act for further amending the Laws relating to the Customs.

lvii. An Act to continue until the Thirty-first Day of *July* One thousand eight hundred and forty-seven, and to the End of the then next Session of Parliament, the Poor Law Commission; and for the further Amendment of the Laws relating to the Poor in *England*.

lviii. An Act for further suspending, until the First Day of *October* One thousand eight hundred and forty-three, the Operation of the new Arrangement of Dioceses, so far as it affects the existing Ecclesiastical Jurisdictions.

lix. An Act to continue until the First Day of *August* One thousand eight hundred and forty-three, an Act for authorising Her Majesty to carry into immediate Execution, by Orders in Council, any Treaties for the Suppression of the Slave Trade.

lx. An Act to continue until the First Day of *October* One thousand eight hundred and forty-three, certain Turnpike Acts.

lxi. An Act to provide for the better Government of *South Australia*.

lxii. An Act to extend the Provisions of an Act of the Fourth Year of Her present Majesty, for enabling the Commissioners of Wide Streets to sell, and Her Majesty to purchase certain Hereditaments in the City of *Dublin*, on the North Bank of the River *Anna Liffey*.

lxiii. An Act to continue until the First Day of *August* One thousand eight hundred and forty-three, an Act for carrying into effect a Convention between Her Majesty and the King of the *French* relative to the Fisheries on the Coasts of the *British* Islands and of *France*.

lxiv. An Act for regulating the Priorities of Monies authorized to be charged on a Fund called "The *London Bridge* Approaches Fund."

lxv. An Act to divide the Forest of *Dean* in the County of *Gloucester* into Ecclesiastical Districts.

lxvi. An Act for further regulating the Preparation and Issue of Exchequer Bills.

lxvii. An Act for the better regulating the Number of Prisoners admitted to the General Prison at *Perth*.

lxviii. An Act to amend, and continue to the Twenty-seventh Day of *July* One thousand eight hundred and forty-three, and to the End of the next Session of Parliament, an Act of the Third and Fourth Years of Her present Majesty, for the more effectual Prevention of Frauds and Abuses committed by Weavers, Sewers, and other Persons employed in the Linen, Hempen, Union, Cotton, Silk, and Woollen Manufactures in *Ireland*, and for the better Payment of their Wages.

lxix. An Act for perpetuating Testimony in certain Cases.

lxx. An Act to amend the Laws relating to the Payment of Out-Pensioners of *Chelsea* Hospital.

lxxi. An Act to establish Military Savings Banks.

lxxii. An Act to suspend until the Thirty-first Day of *August* One thousand eight hundred and forty-three, the making of Lists and the Ballots and Enrolments for the Militia of the Unted Kingdom.

lxxiii. An Act to continue until the Thirty-first Day of *July* One thousand eight hundred and forty-three, and to the End of the then Session of Parliament, an Act for amending the Law for the Trial of controverted Elections.

lxxiv. An Act to amend an Act of the Second and Third Years of His late Majesty, "to amend the Representation of the People of *Ireland*," in respect of the Right of Voting in the University of *Dublin*.

lxxv. An Act to remove Doubts touching the Law relating to Charitable Pawn or Deposit Offices in *Ireland*.

lxxvi. An Act for the Government of *New South Wales* and *Van Diemen's Land*.

lxxvii. An Act to enable Grand Juries at the ensuing Summer and Spring Assizes to make certain Presentments in Counties of Cities and Towns in *Ireland*; and to remove Doubts as to the Jurisdiction of Justices of the Peace in Places recently annexed to Counties at large in *Ireland*.

lxxviii. An Act for effecting an Exchange between Her Majesty and the Provost and College of *Eton*.

lxxix. An Act to repeal the Duties payable on Stage Carriages and on Passengers conveyed upon Railways, and certain other Stamp Duties in *Great Britain*, and to grant other Duties in lieu thereof; and also to amend the Laws relating to the Stamp Duties.

lxxx. An Act to grant Relief from the Duties of Assessed Taxes in certain Cases, and to provide for the assessing and charging the Property Tax on Dividends payable out of the Revenue of Foreign States.

lxxxi. An Act to transfer the Collection and Management of the Duties on Certificates to kill Game in *Ireland* to the Commissioners of Excise.

lxxxii. An Act to assimilate the Stamp Duties in *Great Britain* and *Ireland*, and to make Regulations for collecting and managing the same, until the Tenth Day of *October* One thousand eight hundred and forty-five.

lxxxiii. An Act to abolish the Court of *Saint Briavel's*, and for the more easy and speedy Recovery of Small Debts within the Hundred of *Saint Briavel's*, in the County of *Gloucester*.

lxxxiv. An Act to alter and amend the Practice and Course of Proceeding under Commissions in the Nature of Writs De Lunatico inquirendo.

lxxxv. An Act to amend the Law relative to legal Proceedings by certain Joint Stock Banking Companies against their own Members, and by such Members against the Companies.

lxxxvi. An Act for abolishing certain Offices on the Revenue Side of the Court of Exchequer in *England*, and for Regulating the Office of Her Majesty's Remembrancer in that Court.

lxxxvii. An Act to amend and continue for Three Years, and from thence to the End of the next Session of Parliament, the Laws relating to Houses licensed by the Metropolitan Commissioners and Justices of the Peace for the Reception of Insane Persons, and for the Inspection of County Asylums and Public Hospitals for the Reception of Insane Persons.

lxxxviii. An Act to continue until the Thirty-first Day of *December* One thousand eight hundred and forty-four, and to the End of the then next Session of Parliament, an Act of the Tenth Year of King *George* the Fourth for providing for the Government of His Majesty's Settlements in *Western Australia* on the Western Coast of *New Holland*.

lxxxix. An Act to promote the Drainage of Lands, and Improvement of Navigation and Water Power in connexion with such Drainage in *Ireland*.

xc. An Act to defray the Charge of the Pay, Clothing, and contingent and other Expences of the Disembodied Militia in *Great Britain* and *Ireland*; and to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia, until the First Day of *July* One thousand eight hundred and forty-three.

xci. An Act to amend an Act of the Second and Third Years of Her Majesty, for the Suppression of the Slave Trade.

xcii. An Act to permit, until the Thirty-first Day of *August* One thousand eight hundred and forty-five, Wheat to be delivered from the Warehouse or the Vessel Duty-free, upon the previous Substitution of an equivalent Quantity of Flour or Biscuit in the Warehouse.

xciii. An Act to amend an Act of the Fourth Year of Her present Majesty, to discontinue the Excise Survey on Tobacco, and to provide other Regulations in lieu thereof.

xciv. An Act to consolidate and amend the Laws relating to the Services of the Ordnance Department, and the vesting and Purchase of Lands and Hereditaments for those Services, and for the Defence and Security of the Realm.

xcv. An Act for consolidating the Four Courts Marshalsea, *Dublin*, Sheriffs Prison, *Dublin*, and City Marshalsea, *Dublin*, and for regulating the Four Courts Marshalsea in *Ireland*.

xcvi. An Act to alter the Number and define the Boundaries of the several Baronies of the County of *Dublin*.

xcvii. An Act to amend the Law relating to Double Costs, Notices of Action, Limitations of Actions, and Pleas of the General Issue, under certain Acts of Parliament.

xcviii. An Act to amend the Laws concerning Prisons.

xcix. An Act to prohibit the Employment of Women and Girls in Mines and Collieries, to regulate the Employment of Boys, and to make other Provisions relating to Persons working therein.

c. An Act to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture.

ci. An Act for extending to the Governors and Officers of the *East India* Company the Powers given by an Act of the Fifth Year of King *George* the Fourth to Her Majesty's Governors and Officers for the more effectual Suppression of the Importation of Slaves into *India* by Sea.

cii. An Act for the better Discovery and Prevention of Bribery and Treating at the Election of Members of Parliament.

ciii. An Act for abolishing certain Offices of the High Court of Chancery in *England*.

civ. An Act to explain and amend certain Enactments contained respectively in the Acts for the Regulation of Municipal Corporations in *England* and *Wales* and in *Ireland*.

cv. An Act to amend an Act of the First and Second Years of His late Majesty King *William* the Fourth, to empower Landed Proprietors in *Ireland* to sink, embank, and remove Obstructions in Rivers.

cvi. An Act to regulate the *Irish* Fisheries.

cvii. An Act for regulating the Carriage of Passengers in Merchant Vessels.

cviii. An Act for enabling Ecclesiastical Corporations, aggregate and sole, to grant Leases for long Terms of Years.

cix. An Act for the Appointment and Payment of Parish Constables.

cx. An Act to annex the County of the City of *Coventry* to *Warwickshire*, and to define the Boundary of the City of *Coventry*.

cxi. An Act to confirm the Incorporation of certain Boroughs, and to indemnify such Persons as have sustained Loss thereby.

cxii. An Act for suspending, until the First Day of *October* One thousand eight hundred and forty-three, Appointments to certain Ecclesiastical Preferments in the Dioceses of *Saint Asaph* and *Bangor*, and for securing certain Property to the said Sees.

cxiii. An Act for Confirmation of certain Marriages in *Ireland*.

cxiv. An Act to repeal so much of an Act of the Second and Third Years of Her present Majesty, for the Suppression of the Slave Trade, as relates to *Portuguese* Vessels.

cxv. An Act for raising the Sum of Nine millions one hundred and ninety-three thousand Pounds by Exchequer Bills, for the Service of the Year one thousand eight hundred and forty-two.

cxvi,. An Act for the Relief of Insolvent Debtors.

cxvii. An Act to amend and continue until the First Day of *October* One thousand eight hundred and forty-two the Actsregulating the Police of *Manchester*, *Birmingham*, and *Bolton*.

cxviii. An Act for guaranteeing the Payment of the Interest on a Loan of One million five hundred thousand Pounds to be raised by the Province of *Canada*.

cxix. An Act to enable Her Majesty to grant Furlough Allowances to the Bishops of *Calcutta*, *Madras*, and *Bombay*, who shall return to *Europe* for a limited Period, after residing in *India* a sufficient Time to entitle them to the highest Scale of Pension.

cxx. An Act for amending the Constitution of the Government of *Newfoundland*.

cxxxi. An Act to apply a Sum out of the Consolidated Fund, and certain other Sums, to the Service of the Year One thousand eight hundred and forty-two, and to appropriate the Supplies granted in this Session of Parliament.

cxxii. An Act for the Amendment of the Law of Bankruptcy.

cxxiii. An Act for amending until the First Day of *August* One thousand eight hundred and forty-five, and until the End of the then next Session of Parliament, the Law relating to private Lunatic Asylums in *Ireland*.

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED,

i. An Act to extend the Provisions of an Act of the Forty-eighth of King *George* the Third, relative to the *Manchester* Royal Infirmary, Dispensary, and Lunatic Hospital or Asylum; and to incorporate the Trustees thereof.

ii. An Act for altering and enlarging the Powers of the Acts relating to the *Midland Counties* Railway.

iii. An Act to enable the *South-eastern* Railway Company to raise a further Sum of Money; and to amend the Acts relating to the said Railway.

iv. An Act to authorize the *Brandling Junction* Railway Company to raise a further Sum of Money.

v. An Act to authorize the Purchase of a certain Ferry called "*Woodside Ferry*" by the Commissioners for the Improvement of the Township or Chapelry of *Birkenhead* in the County Palatine of *Chester*; and for amending the Improvement Acts for the said Township.

vi. An Act for better supplying with Water the Town and Neighbourhood of *Bradford* in the West Riding of the County of *York*.

vii. An Act for lighting with Gas the Town of *Stalybridge*, and the Neighbourhood thereof, in the Counties of *Chester* and *Lancaster*.

viii. An Act to continue and amend "An Act to rebuild *Windsor Bridge* in the Borough of *New Windsor* in the County of *Berks*, and to improve the Avenues thereto."

ix. An Act for restoring to the City and County of *Bristol* a Portion of the ancient Boundary of the same.

x. An Act for prohibiting Burying and Funeral Service in a Church or Chapel in the Parish of *Saint Pancras* in the County of *Middlesex* erected on the Estate of the Duke of *Bedford*.

xi. An Act to explain and amend an Act, intituled *An Act to make, alter, improve, and maintain certain Roads in the Counties of* Stirling, Dumbarton, Lanark, *and* Perth; and for making and maintaining certain new Roads in connexion therewith.

xii. An Act to amend the Acts relating to the *Edinburgh and Glasgow* Railway, and to grant further Powers to the Company of Proprietors thereof.

xiii. An Act for granting more effectual Powers for lighting with Gas the Town of *Nottingham*, and several Parishes and Places adjacent thereto.

xiv. An Act for taking down the Market House in the Town of *Saint Austell* in the County of *Cornwall*, and for erecting a more convenient Market House instead thereof; for providing a new Market Place; and for increasing and regulating the Markets and Fairs within the same Town.

xv. An Act to facilitate the raising of Capital for the Completion of the *Bolton and Preston* Railway.

xvi. An Act to enable the *Birmingham and Derby Junction* Railway Company to raise a further Sum of Money.

xvii. An Act to alter, amend, extend, and enlarge the Powers and Provisions of an Act relating to the *Great North of England, Clarence, and Hartlepool Junction* Railway in the County of *Durham*.

xviii. An Act to alter and amend some of the Provisions of the Act relating to the *Sheffield, Ashton-under-Lyne, and Manchester* Railway.

xix. An Act to extend the Provisions of an Act of the Seventh Year of the Reign of King *William* the *Fourth*, relative to the Pier of *Granton* in the County of *Edinburgh*.

xx. An Act for paving, lighting, watching, cleansing, and otherwise improving the Town of *Weston-Super-Mare* in the County of *Somerset*, and for establishing a Market therein.

xxi. An Act for regulating legal Proceedings by or against the Northern Coal Mining Company, for enabling the Company to appoint One Board of Directors in lieu of Two independent Boards, and for removing Restrictions in the Choice of Directors.

xxii. An Act for erecting a Market House and for regulating the Markets within the Borough and Town of *Great Torrington* in the County of *Devon*.

xxiii. An Act for draining certain Fen Lands and Low Grounds in the Parishes of *Cottenham, Rampton*, and *Willingham*, in the County of *Cambridge*.

xxiv. An Act for improving the Navigation of the *Severn* from the Entrance Lock of the *Gloucester* and *Berkeley* Canal, and from the Entrance Lock of the *Herefordshire* and *Gloucestershire* Canal, in the County of *Gloucester*, to *Gladder* or *Whitehouse Brook* in the County of *Worcester*.

xxv. An Act for maintaining and Repairing the Road from *Glasgow* to *Redburn Bridge*, and a Branch Road leading therefrom.

xxvi. An Act for amending an Act relating to the Paving and Sewerage of the Town of *Liverpool* in the County Palatine of *Lancaster*.

xxvii. An Act to facilitate Arrangements consequent upon the Dissolution of the *Stanhope* and *Tyne* Railroad Company, and to incorporate some of the Proprietors, for the Purpose of continuing the working of a Part of the Railway belonging to the said Company.

xxviii. An Act to amend Two Acts relating to the *Cheltenham and Great Western Union* Railway.

xxix. An Act to amend the Acts relating to the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway, and to grant further Powers to the Company of Proprietors thereof.

xxx. An Act for granting further Powers to the Company of Proprietors of the *Birmingham* and *Liverpool* Junction Canal Navigation.

xxxi. An Act to repeal an Act passed in the Sixteenth Year of the Reign of His Majesty King *George* the Third, for enlarging the Floating Dock within the Port of *Bristol*, and for other Works connected therewith.

xxxxii. An Act for making a Pier at *Gosport* in the Parish of *Alverstoke* in the County of *Southampton*.

xxxiii. An Act to alter, amend, and enlarge the Powers and Provisions of the several Acts relating to the *Ellesmere* and *Chester* Canal Navigation.

xxxiv. An Act to alter, amend, and enlarge the Powers and Provisions of the Acts relating to the *London and Blackwall* Railway.

xxxv. An Act for authorising the *Saundersfoot* Railway and Harbour Company to make an Extension of their present Railway, and also to make Two Branches from such Railway respectively within the County of *Pembroke;* and for extending the Provisions of the Act relating to the said Company.

xxxvi. An Act for incorporating the Equitable Gas Light Company, and for more effectually lighting with Gas certain Parishes and Places within the City and Liberty of *Westminster*, and the Western Parts of the Metropolis, and other Parishes and Places in the County of *Middlesex*.

xxxvii. An Act to improve, repair, and maintain certain Roads in the Counties of *Lanark*, *Stirling*, and *Dumbarton*; and to make and maintain a new Line of Road in connexion therewith.

xxxviii. An Act for more effectually maintaining and repairing certain Roads in the Counties of *Aberdeen*, *Banff*, and *Kincardine*, and for making certain new Roads in the said Counties, or some of them.

xxxix. An Act for regulating legal Proceedings by or against "The *Cwm Celyn* and *Blaina* Iron Company," and for granting certain Powers thereto.

xl. An Act for regulating the Communication between the *Birmingham* and *Liverpool* Junction Canal Navigation and the *Staffordshire* and *Worcestershire* Canal Navigation, and for amending the several Acts relating to such first-mentioned Canal Navigation.

xli. An Act for altering and amending an Act of the Fourth and Fifth Year of Her present Majesty, intituled *An Act to consolidate, amend, and enlarge the Powers and Provisions of the several Acts relating to the* Forth *and* Clyde *Navigation;* for enlarging and making Reservoirs for better supplying the said Navigation with Water; and for enabling the Company of Proprietors of the said Navigation to purchase and acquire the *Forth* and *Cart* Junction Canal.

xlii. An Act for improving the Navigation of *Faversham Creek* in the County of *Kent*.

xliii. An Act to amend the Act relating to the *Saint Philip's Bridge* in the City and County of *Bristol*, and for widening and improving the Approaches to the said Bridge.

xliv. An Act for the Promotion of the Health of the Inhabitants of the Borough of *Liverpool*, and the better Regulation of Buildings in the said Borough.

xlv. An Act to alter some of the Provisions of an Act passed in the Seventh Year of the Reign of King *George* the Fourth, relating to the *New Cross* Turnpike Roads, in the Counties of *Kent* and *Surrey*.

xlvi. An Act for granting further Powers to the *Bristol and Gloucester* Railway Company.

xlvii. An Act to alter and amend the Provisions of the Act for opening a Street to *Clerkenwell Green* in the County of *Middlesex*.

xlviii. An Act for paving, lighting, watching, cleansing, and improving *Ely Place* and *Ely Mews, Holborn*, in the County of *Middlesex*.

xlix. An Act for paving, lighting, watching, cleansing, and otherwise improving the Town of *Fleetwood* and the Neighbourhood thereof in the County Palatine of *Lancaster*, and for establishing a Market therein.

l. An Act to alter and amend an Act of the Fifty-fourth Year of the Reign of His Majesty King *George* the Third, for lighting and watching certain Parts of the Liberties, Hamlets, or Districts of *Camberwell* and *Peckham* in the County of *Surrey*.

li. An Act to explain an Act passed in the Fourth and Fifth Years of the Reign of Her present Majesty, intituled *An Act to alter, amend, and enlarge some of the Powers and Provisions of the Acts for paving and otherwise improving certain Streets in the Parish of* Saint Pancras *in the County of* Middlesex.

lii. An Act to restrict the vexatious Removal of certain Actions from the Borough Court of *Liverpool*.

liii. An Act for enabling the *Saundersfoot* Railway and Harbour Company to make a Floating Dock at *Saundersfoot* in the County of *Pembroke*, and for extending the Provisions of the Act relating to the said Company with reference to the said Harbour.

liv. An Act for further improving, enlarging, and maintaining the Harbours of the Town of *Greenock*.

lv. An Act for transferring to the Trustees of the River *Welland* in the County of *Lincoln* certain Dues payable in respect of Vessels using the said River, Part of the Port and Harbour of *Boston*, and their Cargoes, for better effecting Improvements authorized by a former Act; and for amending several Acts relating to the same.

lvi. An Act for the Improvement of the Port and Harbour of *Drogheda*.

lvii. An Act to explain and amend the Powers and Provisions of the Act relating to the *Wirkworth* Harbour in the County of *Northumberland*.

lviii. An Act for amending the Acts relating to the *Gravesend* Town Quay and Pier.

lix. An Act for erecting a Pier at the Royal Terrace Gardens in the Town of *Gravesend* in the County of *Kent*.

lx. An Act for amending the several Acts relating to the Port and Harbour of *Boston* in the County of *Lincoln*.

lxi. An Act for authorizing the Conveyance of a Piece of Land upon which a Church at *Kingstown* in the County and Diocese of *Dublin* and Parish of *Monkstown* has been erected, and for providing for the due Celebration of Divine Service in the said Church, and for assigning a District thereto.

lxii. An Act to amend an Act for erecting a Harbour at *Ardrossan* in the County of *Ayr*, and to provide for the Improvement of the said Harbour.

lxiii. An Act for regulating and maintaining the Fisheries in the River *Tyne*.

lxiv. An Act for regulating legal Proceedings by or against "The Guarantee Society," and for granting certain Powers thereto.

lxv. An Act to enable the City of *Glasgow* Life Assurance and Reversionary Company to sue and be sued; and for other Purposes relating to the said Company.

lxvi. An Act to enable "The Imperial Insurance Company" to alter some of the Provisions of their Deed of Settlement, and better regulate their Proceedings and the Investment of their Funds.

lxvii. An Act for regulating legal Proceedings by or against "The Indemnity Mutual Marine Assurance Company."

lxviii. An Act to alter, amend, and enlarge the Powers and Provisions of an Act relating to the *Holywell* District of Turnpike Roads in the County of *Flint*, and for making new Roads to communicate therewith.

lxix. An Act to amend the Provisions of an Act passed in the Fourth and Fifth Years of the Reign of Her present Majesty, intituled *An Act for more effectually repairing and improving the Road from* Market Harborough *in the County of* Leicester *to* Brampton *in the County of* Huntingdon.

lxx. An Act for more effectually repairing the Roads from the Borough of *Leicester* to *Narborough*, and from the said Borough of *Leicester* to *Earl Shilton*, and from *Earl Shilton* to *Hinckley*, all in the County of *Leicester*.

lxxi. An Act to explain and amend an Act passed in the Fourth and Fifth Years of the Reign of Her present Majesty, for more effectually repairing, maintaining, and improving certain Roads leading to and from the City of *Lincoln*.

lxxii. An Act for maintaining certain Roads in the County of *Salop* called The *Church Stretton* and *Longden* Roads.

lxxiii. An Act for more effectually repairing the Road from *Bolton* to *Westhoughton* in the County Palatine of *Lancaster*.

lxxiv. An Act for more effectually repairing the Road from the Borough of *Leicester* in the County of *Leicester* to the Town of *Ashby-de-la-Zouch* in the said County.

lxxv. An Act to alter and amend the Acts for making, repairing, and keeping in repair the Road from *Stonehaven*, through the *Slug Mount*, to the Bridge at *Cobleheugh*, in the County of *Kincardine*.

lxxvi. An Act to amend an Act of His late Majesty King *George* the Fourth, for repairing the Road from *Dundalk* in the County of *Louth* to *Bannbridge* in the County of *Down*, so far as relates to the Southern Division of the said Road.

lxxvii. An Act for repairing and maintaining several Roads leading from the Town of *Kington*, and other Roads branching therefrom, in the County of *Hereford*.

lxxviii. An Act to amend and enlarge the Powers of an Act passed in the Second Year of the Reign of His Majesty King *George* the Fourth, for supplying the Towns of *Old* and *New Brentford* in the County of *Middlesex*, and other Places therein mentioned, with Gas; and to raise a further Sum of Money for carrying on the said Undertaking.

lxxix. An Act for incorporating the South Metropolitan Gas Light and Coke Company, and for more effectually lighting with Gas certain Places within the Borough of *Southwark*, and other Parishes and Places in the Counties of *Surrey* and *Kent*.

lxxx. An Act for completing the Railway Communication between the Towns of *Newcastle-on-Tyne* and *Darlington*, by a Railway to be called the *Newcastle and Darlington Junction* Railway, with a Branch to the City of *Durham*.

lxxxi. An Act for making a Branch Railway from the *London and Birmingham* Railway at *Coventry* to communicate with the Towns of *Warwick* and *Leamington* in the County of *Warwick*.

lxxxii. An Act for making a Railway from *Great Yarmouth* to *Norwich* in the County of *Norfolk*.

lxxxiii. An Act for enabling the *Dundee* and *Arbroath* Railway Company to raise a further Sum of Money, and to amend the Provisions of the Act relating to the said Railway.

lxxxiv. An Act for the Abandonment of a Portion of the Line of the *Great North of England* Railway, and for altering and amending the Acts relating thereto.

lxxxv. An Act for regulating legal Proceedings by or against "The Metropolitan Patent Wood Paving Company," and for granting certain Powers thereto.

lxxxvi. An Act for repairing, improving, and maintaining the Road leading from *Ferrybridge*, through *Wetherby*, to *Boroughbridge* in the County of *York*.

lxxxvii. An Act to amend, alter, and enlarge the Powers and Provisions of an Act for paving, lighting, cleansing, watching, watering, and improving the Town and Borough of *Sudbury* in the County of *Suffolk*.

lxxxviii. An Act for the Administration of the Laws relating to the Poor in the Parish of *Liverpool* in the County of *Lancaster*.

lxxxix. An Act for extending and enlarging some of the Provisions of an Act relating to the *Thames Haven* Dock and Railway.

xc. An Act for the maintaining and better regulating of the *Stockton and Hartlepool* Railway, and for incorporating the Proprietors thereof.

xci. An Act for constructing a Low-water Pier and necessary Works at *Burntisland* in the County of *Fife*, and establishing a Ferry between the same and *Granton* in the County of *Edinburgh*, and for improving the Communication between the said Pier and *Kinghorn*.

xcii. An Act to amend an Act passed in the First and Second Years of the Reign of His Majesty King *George* the Fourth, for repairing the Road from the Town of *Athy* in the County of *Kildare*, through the Town of *Castlecomer* in the County of *Kilkenny*, to the

City of *Kilkenny*, and from the Town of *Castlecomer* to the Town of *Leighlin Bridge* in the County of *Carlow*, and from the Town of *Carlow* to the said Town of *Castlecomer*, so far as relates to the Second Division of the said Road.

xciii. An Act for repairing and improving the Road from *Tadcaster* to *Otley* in the West Riding of the County of *York*.

xciv. An Act for repairing and maintaining several Roads leading from the Town of *Bromyard* in the County of *Hereford*, and other Roads adjoining thereto in the said County and in the County of *Worcester*, and for making several new Lines of Road connected therewith in the same Counties.

xcv. An Act for repairing the several Roads leading to and from the Market House in *Stourbridge* in the County of *Worcester*, and several other Roads connected with the said Roads in the Counties of *Worcester*, *Stafford*, and *Salop*.

xcvi. An Act to amend an Act for incorporating and granting certain Powers to the *North American* Colonial Association of *Ireland*, and for explaining, altering, and enlarging the Provisions thereof.

xcvii. An Act to alter and amend the Powers and Provisions of the Acts relating to the making and maintaining of a Pier and other Works at *Deptford* in the County of *Kent*.

xcviii. An Act to enable the Sheriffdom of *Ross* and *Cromarty* to provide proper Court House Accommodations, and for other Purposes relative thereto.

xcix. An Act to enable the "*Forth* Marine Insurance Company" to sue and be sued, and for other Purposes.

c. An Act for making and maintaining as Turnpike the Road leading from the *Preston* and *Blackburn* Turnpike Road at *Finnington* in the Township of *Chorley* in the County of *Lancaster*.

ci. An Act for further extending the Approaches to *London Bridge* and the Avenues adjoining to the *Royal Exchange* in the City of *London*, and for amending the Acts relating thereto respectively; and for raising a Sum of Money towards opening a Street to *Clerkenwell Green* in the County of *Middlesex* in continuation of the new Street from *Farringdon Street* in the City of *London*.

cii. An Act for amending some of the Powers of the Acts relating to the *London* and *Greenwich* Railway.

ciii. An Act for providing additional Burial Grounds in the Parish of *Leeds* in the West Riding of the County of *York*.

civ. An Act for better lighting, cleansing, sewering, and improving the Borough of *Leeds* in the County of *York*.

cv. An Act for better paving and improving the Streets and Highways within the Extra-parochial Place of *Toxteth Park* in the County Palatine of *Lancaster*, and for the Sewerage of certain Parts of the said Place.

cvi. An Act for the Improvement, good Government, and Police Regulation of the Borough of *Liverpool*.

cvii. An Act for making a new Street from *Blackman Street* to the *Southwark Bridge Road*, and for improving the District called the *Mint*, all in the Parish of *Saint George the Martyr* in the Borough of *Southwark* in the County of *Surrey*.

cviii. An Act for better enabling The *Liverpool* and *Manchester* Railway Company to extend the Line of the said Railway, and for amending and enlarging the Powers and Provisions of the several Acts relating to such Railway.

cix. An Act for establishing a General Cemetery for the Interment of the Dead in the Parish of *Sonning*, near the Town of *Reading* in the County of *Berks*.

cx. An Act for better preserving the Navigation of the River *Mersey*.

cxi. An Act for making and maintaining and improving a Harbour at *Wicklow* in the County of *Wicklow*.

cxii. An Act for maintaining and improving certain Roads in the Counties of *Lanark*, *Ayr*, and *Renfrew*; for maintaining a Bridge over the River *Clyde* at *Dalmarnock*, and for other Purposes connected therewith.

cxiii. An Act to enable the Court of Chancery to appoint a Person or Persons to sue on behalf of the Copartnership of Bankers lately carrying on Business under the Firm of "The Imperial Bank of *England*," in lieu of the Public Officer.

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER, AND

WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act for inclosing Lands in the Parish of *Clee* in the County of *Lincoln*.
2. An Act for inclosing and dividing *Wakeyhill Common* in the Parish of *Stapleton* in the County of *Cumberland*.
3. An Act for inclosing Lands in the Parish of *Cottenham* in the County of *Cambridge*.
4. An Act for vesting certain Freehold Messuages, Fee Farm Rents, and Hereditaments, respectively situate and arising in the City of *London*, devised and settled by the Will of *Broome Witts* Esquire, deceased, in Trustees, for Sale, and for laying out the Monies to be produced by such Sale in the Purchase of other Estates, to be settled in the same Manner; and also for enabling the Trustees, as to some of such Messuages and Hereditaments, in the meantime, and until Sale thereof, to grant Leases thereof for the Term of Twenty-one Years, or, in order that the same may be repaired, rebuilt, or improved, for a longer Period.
5. An Act for inclosing Lands in the Parish of *Kingsclere* in the County of *Southampton*.
6. An Act for inclosing Lands in the Parish of *Buckland* in the County of *Buckingham*.
7. An Act for inclosing Lands in the several Parishes of *Huish Champflower*, *Clatworthy*, and *Brompton Ralph* in the County of *Somerset*.
8. An Act for inclosing Lands in the Parish of *Yate* in the County of *Gloucester*.
9. An Act for dividing, allotting, and inclosing Lands in the Parishes of *Ormesby Saint Margaret*, *Ormesby Saint Michael*, *Ormesby Saint Peter*, and *Ormesby Saint Andrew*, and *Scratby* otherwise *Scroteby*, in the County of *Norfolk*.
10. An Act for inclosing Lands in the Parish of *Medbourn* in the County of *Leicester*.
11. An Act to enable the Trustees of Estates held upon charitable Trusts under the Will of Sir *John Cass* Knight, deceased, to make Sale of Part of the said Estates.
12. An Act to enable the Governors of the Hospital of King *James* founded in *Charterhouse* to endow the Perpetual Curacy of *Hartland* in the County of *Devon* with a fixed Provision out of the Tithes of the Rectory of *Hartland* aforesaid, in substitution of their present Obligation, and to sell the Right of Presentation to the said Curacy, and the said Rectory and Tithes, and also certain Lands at *Hartland* aforesaid, and to invest the Monies arising from such Sales in the Purchase of other Lands, for the Benefit of the said Hospital.
13. An Act for inclosing Lands in the Parishes of *Britwell Salome* and *Britwell Prior* in the County of *Oxford*.
14. An Act for inclosing Lands in the Parish of *Kilmington* in the County of *Devon*.
15. An Act for carrying into effect a Partition of and other Arrangements respecting Estates in the County of *Southampton* of Sir *Frederick Hutchison Hervey Bathurst* Baronet and *Louisa Mary* his late Wife, and of the Honourable *Charlotte Georgina Harriet Craven* Widow.
16. An Act to alter and amend Two Acts of the Eleventh of King *George* the Fourth, and Seventh of his late Majesty, in regard to the Estates of *Argyll*; and to enable *John Douglas Edward Henry*, the present Duke of *Argyll*, to borrow a further Sum of Money, and to make the same a Charge on the said Estates; and for other Purposes.
17. An Act for vesting certain Estates appointed and devised by the Will of *George Manners* Esquire, deceased, and purchased under the Trusts thereof, in Trustees to sell the same, and to invest the Monies thence arising in the Purchase of other Estates, to be settled to the same Uses.
18. An Act for empowering the Trustees of *Brewood* Grammar School in the County of *Stafford* to make Sales and to grant Mining Leases of certain Parts of the Estates belonging to the said School, and for other Purposes therein mentioned.
19. An Act for enabling the Dean and Chapter of the Cathedral and Metropolitical Church of *Saint Peter* of *York* to raise Money for the Discharge of Debts, and for effecting the Restoration and Repair of the said Cathedral Church.
20. An Act for selling the Entailed Estate of *Monkwood* in the County of *Ayr*, belonging to *William Paterson* Esquire, and investing the Price in the Purchase of other Lands, to be entailed in lieu thereof.
21. An Act to enable *Duncan Davidson* Esquire of *Tulloch* to execute a new Entail of his Lands and Estates of *Tulloch*, for the Purpose of rectifying a Mistake in a former Entail thereof; and for vesting Parts of these Lands and Estates in Trustees, for relieving the said *Duncan Davidson* of Sums laid out in improving the same; and for certain other Uses and Purposes.
22. An Act to enable the Trustees of the Will of the late Duke of *Cleveland* to grant Mining, Building, and other Leases of the Trust Es-

tates in the County of *Durham* devised by the Will of the Duke of *Cleveland*, and to sell or exchange Parts of the same Estates.

23. An Act for granting further Power to lease Parts of the Estates devised by the Will of *Richard* late Viscount *Fitzwilliam* deceased, situate in the City of *Dublin* and the Neighbourhood thereof, and for authorizing the Sale of certain Fee Farm and other Rents, also devised by that Will.

24. An Act for authorizing the raising, by Mortgage of the Estates devised by the Will of the Right Honourable *William* late Earl of *Devon*, a limited Sum of Money, to be applied, under the Direction of the High Court of Chancery, in repaying to the present Earl and Lord *Courtenay* the whole or a Portion of the Monies already expended by them for the Repair and Restoration of the Castle of *Powderham* and the Buildings belonging thereto, and towards completing such Repair and Restoration; and for making Provision for Payment of the Interest of the Money so to be raised, and also for the Liquidation of the Principal; also for extending the Power to grant Building Leases contained in the Will of the said late Earl.

25. An Act for discharging the Borough, Hundred, and Manor of *Cheltenham* in the County *Gloucester*, and other Estates in the same County, from the Portions of the younger Children of the Right Honorable *John* Lord *Sherborne*, and the younger Children of the Honorable *James Henry Legge Dutton*, and from the Terms created for raising the same.

26. An Act for effecting a Partition, Division, or Allotment of Estates in the Counties of *York*, *Suffolk*, and *Essex*, devised by the Will of *Atkinson Francis Gibson*, late of *Saffron Walden* in the County of *Essex*, Brewer, deceased.

27. An Act for carrying into effect certain Provisions contained in the Will of *Thomas Swinnerton* Esquire, deceased, relative to the building of a Mansion House on the Testator's Estate at *Butterton* in the County of *Stafford*, and building a Church or Chapel on the said Estate; and for other Purposes.

28. An Act for authorizing the Sale of Portions of the Real Estate devised by the Will of *Jane* Countess Dowager of *Rosse* deceased, and for the Purchase of other Estates, to be settled to the Uses of the said Will; and for the authorizing the granting of Farming and Building Leases of the same Estates.

29. An Act for better enabling the Trustees of the Will of the late *Charles Calland* Esquire, to grant Building and Farming and Mining and other Leases of certain Estates situate in the County of *Glamorgan*, devised by the said Will, and to sell certain Portions of the same Estates, and for laying out the Monies arising from such Sales in the Purchase of other Lands, to be settled to the same Uses; and for other Purposes.

30. An Act to enable the Trustees of the Will of the Most Noble *Francis* late Duke of *Bridgewater* to raise Money for rebuilding *Bridgewater House*, and for repairing and improving the *Bridgewater* Canal; and for other Purposes.

31. An Act to extend a Power of Leasing contained in the Marriage Settlement of *Charles* Lord *Southampton* and *Harriet* Lady *Southampton* his Wife.

32. An Act for vesting Parts of the Settled Estates of the Honourable *Edward Mostyn Lloyd Mostyn* of *Mostyn* in the County of *Flint* in Trustees, upon Trust to sell, mortgage, or exchange the same, and to lay out the Monies to arise therefrom in the Payment of Debts, Charges, and Mortgages upon or affecting the same, or other Estates settled to the same Uses, or in the Purchase of other Estates, to be settled to the same Uses; and for other Purposes.

33. An Act to enable *George* Marquis of *Tweeddale* to borrow a certain Sum of Money upon the Security of his Entailed Estates, for Repayment to him of a Portion of the Monies laid out by him in the Improvement of these Estates.

34. An Act for confirming certain Conveyances in Perpetuity made by the Ecclesiastical Commissioners for *Ireland* and the present Bishop of *Derry* and *Raphoe* of Parts of the Mensal Lands of the See of *Derry*, and for confirming certain Leases made by the same Bishop and his immediate Predecessor in the See of *Derry* of other Parts of the Mensal Lands of the same See; also for enabling the Bishop of *Derry* and *Raphoe* for the Time being to grant Leases of the Parts last mentioned, and certain other parts of the Mensal Lands of the See of *Derry*; and for other Purposes.

35. An Act to extend the Provisions of Two Acts, of the Second Year of King *William* the Fourth and the First Year of Her present Majesty, relating to the Free Grammar School of King *Edward* the Sixth in *Birmingham* in the County of *Warwick*.

36. An Act to enable *William Stuart Stirling Crawford* Esquire, the Heir in possession of the Entailed Estate of *Milton* in the County of *Lanark*, and his successors, to grant Feu Rights thereof.

37. An Act for enabling the Most Noble *Richard Plantagenet Grenville Nugent Chandos Temple* Duke of *Buckingham* and *Chandos* to grant Underleases of Lands situate in or near the Town of *Ryde* in the *Isle of Wight*, and to authorize the granting of Leases of other Lands situate in or near the same Place, belonging to *Elizabeth Lydia Lind* and others.

38. An Act to enable the Right Honourable *William Lewis* Lord *Dinorben*, by Mortgage of certain Hereditaments devised to him for Life with Remainders over by the Will and Codicils of the Reverend *Edward Hughes*, to raise not exceeding Twenty thousand Pounds at Interest, for rebuilding the Mansion and Offices at *Kinmel Park*, devised by the said Will and Codicils to the same Uses; and for other Purposes.

39. An Act to amend and explain the Act passed in the Seventh and Eighth Years of His late Majesty *George* the Fourth, Chapter 11, intuled *An Act to explain and modify the Trust Settlement of the late* Louis Cauvin, *far the Endowment and maintenance of an Hospital for the Support and Education of Boys*; and further to explain and modify the said Trust Settlement.

40. An Act for enabling the Trustees for the Time being of *Hele's* Charity Estates to

grant Leases for absolute Terms, not exceeding Twenty-one Years, of certain Estates vested in them as such Trustees, and situate in the Parishes of *Clist Saint Lawrence Broadclyst*, *Stokeinteignhead*, *Bovey Tracey* and *Newton Ferrers*, in the County of *Devon*; and for confirming certain Leases of Parts of such Estates already granted, and for fixing the Proportions in which the Rents reserved and to be reserved by such Leases, and such other Profits of the said Estates as have accrued and shall accrue after the granting of such Leases thereof respectively, shall be divided and enjoyed; and for other purposes.

PRIVATE ACTS,

NOT PRINTED.

41. An Act to dissolve the Marriage of *Henry Revely Mitford* Esquire with the Right Honourable Lady *Georgina Jemima Mitford* his now Wife, and to enable him to marry again; and for other Purposes.
42. An Act for naturalizing the Reverend *Henry George Bunsen*.
43. An Act for naturalizing *Bernhard Willhelm Edouard Liebert*.
44. An Act for inclosing Lands in the Manor of *Castlerigg* and *Derwentwater* in the Parish of *Crosthwaite* in the County of *Cumberland*.
45. An Act to dissolve the Marriage of *John* otherwise *Jean Louis Mieville* with *Mary Ann* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.
46. An Act for naturalizing *Charles Jacques Marion Fierville*.
47. An Act for naturalizing *Frederick William Benecke*.
48. An Act to dissolve the Marriage of *John Baskervyle Glegg* Esquire the younger with *Elizabeth Glegg* his now Wife, and to enable him to marry again; and for other Purposes.
49. An Act for naturalizing *Joshua Bates*.
50. An Act for naturalizing *Samuel Stillman Gair*.
51. An Act to dissolve the Marriage of *William Ashton* Esquire with *Anne Jane* otherwise *Jane Anne* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.
52. An Act for naturalizing *Pierre Lambert Flavian Rouma* and others.
53. An Act for naturalizing *Jean Baptiste Lesbazeilles* and others.
54. An Act to dissolve the Marriage of *John Hawkes* with *Fanny* his now Wife, and to enable him to marry again; and for other Purposes.
55. An Act to dissolve the Marriage of *Joseph Vere* with *Ellen Sarah* his now Wife, and to enable him to marry again; and for other Purposes.
56. An Act to dissolve the Marriage of *George William Henry Coward* with *Ann Coward* his now Wife, and to enable him to marry again; and for other Purposes.
57. An Act for naturalizing *Pierre Frederic Eugêne Verconsin*.
58. An Act to dissolve the Marriage of *Henry Street* with *Eliza Street* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.
59. An Act to dissolve the Marriage of *Thomas Sewell* Esquire with *Margaret Susannah* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.

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IN THE SECOND SESSION OF

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